

Exhibit 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CASE NO.: 1:19-CV-09156 (LTS) (KHP)

- - - - - x

GRAHAM CHASE ROBINSON,

Plaintiff,

- against -

ROBERT DE NIRO and CANAL PRODUCTIONS, INC.,

Defendants.

- - - - - x

VOLUME II

ZOOM VIDEOCONFERENCE DEPOSITION OF

ROBERT DE NIRO

April 5, 2022

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VOLUME II
CONTINUED ZOOM VIDEOCONFERENCE ORAL
DEPOSITION OF ROBERT DE NIRO, taken pursuant to
Notice, commencing April 5, 2022, at 10:06 a.m.,
on the above date, before Catherine M. Donahue, a
Certified Court Reporter and Notary Public in the
State of New Jersey.

Magna Job No. 814689

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(All parties present via Zoom Remote)

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(All parties present via Zoom Remote)

ALSO PRESENT:
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Jeremy Margolis, Sanford Heisler Sharp, LLP
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Graham Chase Robinson
Tom Harvey, Esq.

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FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that the filing and sealing be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to the form of the question shall be reserved until the time of trial.

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be sworn to and signed before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before this Court.

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EXHIBITS

| Exhibit Name | Description | Page No. |
|--------------|--|----------|
| 122 | Document bearing Bates stamp Nos. CANAL 1844 | 266 |
| 123 | Document bearing Bates stamp Nos. ROBINSON 6826 | 303 |
| 124 | Video 321 | |
| 125 | Document bearing Bates stamp Nos. ROBINSON 5475 through 5476 | 330 |
| 126 | Document bearing Bates stamp Nos. ROBINSON 5720 | 331 |
| 127 | Document bearing Bates stamp No. CANAL 38698 | 361 |
| 128 | Document bearing Bates stamp Nos. CANAL 1433 through 1437 | 369 |
| 129 | Document bearing Bates stamp Nos. CANAL 46698 | 398 |
| 130 | Document bearing Bates stamp Nos. CANAL 46015 | 411 |
| 131 | Document bearing Bates stamped CANAL 48627 to 48630 | 416 |

(Exhibits retained by counsel.)

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| Request for Production of Documents | |
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| Marked Text | |
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1 THE VIDEOGRAPHER: We are now on
2 the record.

3 This begins video No. 1 of day 2
4 in the deposition of Robert De Niro, in
5 the matter of Graham Chase Robinson
6 versus Robert De Niro and Canal
7 Productions.

8 Today is Tuesday, April 5, 2022,
9 and the time is 10:06 a.m.

10 This deposition is being taken
11 remotely via video conferencing software
12 at the request of Sanford Heisler Sharp.

13 The videographer is Chris Allen
14 of Magna Legal Services, and the court
15 reporter is Catherine Donahue of Magna
16 Legal Services.

17 Will counsel and all parties
18 present state their appearances and whom
19 they represent.

20 MR. SANFORD: David Sanford of
21 Sanford Heisler Sharp representing Chase
22 Robinson, the plaintiff in this matter.

23 MR. HEISLER: Jeremy Heisler of
24 Sanford Heisler Sharp representing
25 Graham Robinson, the plaintiff in this

1 lawsuit.

2 MS. HARWIN: Alexandra Harwin
3 from Sanford Heisler Sharp, also on
4 behalf of plaintiff Graham Chase
5 Robinson.

6 MS. MAC MULLIN: Kate Mac Mullin
7 from Sanford Heisler Sharp, also on
8 behalf of the plaintiff Graham Chase
9 Robinson.

10 MS. SLOAN: Annie Sloan from
11 Sanford Heisler Sharp for the plaintiff
12 Graham Chase Robinson.

13 MR. SCHAITKIN: Simon Schaitkin
14 from Sanford Heisler Sharp on behalf of
15 the plaintiff Graham Chase Robinson.

16 MR. MARGOLIS: Jeremy Margolis
17 from Sanford Heisler Sharp for plaintiff
18 Graham Chase Robinson.

19 MS. ROSEN: Leor Rosen from
20 Sanford Heisler Sharp on behalf of
21 plaintiff Graham Chase Robinson.

22 MR. BENNETT: Gregory Bennett of
23 Traub Lieberman Straus & Shrewsbury for
24 defendants.

25 MR. DROGIN: Laurent Drogin,

1 Tarter Krinsky & Drogin, for Canal
2 Productions, Inc.

3 MS. LAZZARO: Brittany Lazzaro
4 from Tarter Krinsky & Drogin on behalf
5 of defendant Canal Productions, Inc.

6 MR. HARVEY: Tom Harvey for the
7 defendants.

8 THE VIDEOGRAPHER: Thank you.
9 Will the court reporter please
10 swear in the witness.

11 (The witness is sworn by the
12 court reporter.)

13 R O B E R T D e N I R O, recalled as a
14 witness by (Plaintiff), having been first
15 duly sworn by Catherine M. Donahue, a
16 Notary Public within and for the State of
17 New Jersey, was examined and testified
18 further as follows:

19 FURTHER EXAMINATION BY MR. SANFORD: (Cont'd)

20 Q. Mr. De Niro, welcome back to the
21 second day of your deposition.

22 I want to remind you what I said
23 yesterday. Just as a courtesy to you and your
24 attorney, I have agreed to do something I
25 typically don't agree to do, which is to split

1 your deposition into two days. This is the
2 second day of your deposition.

3 I also have agreed as a courtesy to
4 you, given certain personal matters that you're
5 attending to, that we will stop the deposition
6 today at 2:30.

7 I will do my very best, and we all
8 will try to finish your deposition today.

9 There are outstanding issues that
10 we're going to have to take up with the court
11 regarding your counsel's direction not to answer
12 13 different questions yesterday and your
13 refusal to answer 7 questions on your own
14 yesterday.

15 We'll seek the court's for it's
16 guidance here and ask the court to direct you
17 back to have a third day with respect to at
18 least those questions, if not more. So I just
19 wanted to let you know that that's where we
20 stand.

21 MR. SANFORD: Okay.

22 I would like to revisit an
23 exhibit Bates stamped CANAL 45910, if we
24 could get that in the chat.

25 And what exhibit is that? Could

1 someone help me out there?

2 MR. SCHAITKIN: 113.

3 MR. SANFORD: All right.
4 Exhibit 113.

5 And let's go off the record while
6 you have an opportunity to review that
7 e-mail, Mr. De Niro.

8 THE VIDEOGRAPHER: The time is
9 10:10. We are going off the record.

10 (Whereupon, at 10:10 o'clock
11 a.m., a recess was taken until 10:14
12 o'clock a.m.)

13 THE VIDEOGRAPHER: The time is
14 10:14. We are back on record.

15 BY MR. SANFORD:

16 Q. Okay.

17 Mr. De Niro, we're back on the
18 record.

19 You understand you're still under
20 oath, correct?

21 A. Yes.

22 Q. Did you have an opportunity to
23 review Exhibit 113?

24 A. Yes.

25 Q. All right.

1 MR. SANFORD: Let me share a
2 document with you in the chat. It is
3 Bates stamped CANAL 1844, which will be
4 Exhibit 122.

5 (Document bearing Bates
6 stamp Nos. CANAL 1844 was marked as
7 Plaintiff's Exhibit 122 for
8 identification, as of this date.)

9 MR. SANFORD: And let's go off
10 the record while you have an opportunity
11 to review this document.

12 THE VIDEOGRAPHER: The time is
13 10:15. We are going off the record.

14 (Whereupon, at 10:15 o'clock
15 a.m., a recess was taken until 10:16
16 o'clock a.m.)

17 THE VIDEOGRAPHER: The time is
18 10:16. We are back on record.

19 BY MR. SANFORD:

20 Q. All right.

21 Mr. De Niro, you understand you're
22 still under oath?

23 A. Yes.

24 Q. You had an opportunity to review
25 document CANAL 1844. And we're discussing the

1 As of July 2017, can you please
2 describe for me the various types of expenses
3 that Ms. Robinson was authorized to charge
4 Canal?

5 A. Well, I left her in charge of
6 whatever needed to be done. So, that was it.

7 Q. Did the expenses that Ms. Robinson
8 was authorized to charge to Canal change over
9 time?

10 A. I don't remember specifically, but
11 it could have.

12 Q. There were more expenses that
13 Ms. Robinson was authorized to charge to Canal
14 than what other executive assistants could
15 charge, right?

16 A. Yes. She was in charge of the
17 expenses and I left it up to her to handle it
18 appropriately, correctly, ethically, blah, blah,
19 blah.

20 Q. And do you remember what additional
21 types of authorized expenses you discussed with
22 Ms. Robinson at that time?

23 A. I can't remember specifically. You
24 can tell me and I'll say yes or no.

25 Q. All right.

1 exhibit number, but you have the Bates stamp.

2 Do you recognize that document?

3 A. I don't, but, yes.

4 Q. Okay.

5 Do you see where it says - and I'm
6 quoting here - "We will be reimbursing her for
7 some out-of-pocket business expenses"?

8 A. Uh-hum.

9 Q. Is that a "yes"?

10 A. Yes.

11 Q. And does this help you remember what
12 additional out-of-pocket business expenses you
13 agreed to reimburse Ms. Robinson as of July
14 2017?

15 A. I don't remember specifically, no.

16 Q. Okay.

17 MR. SANFORD: Let me show you
18 another document that's Bates stamped
19 CANAL 46031 to 46032.

20 And does anyone have a sense as
21 to what exhibit number that is because I
22 don't want to make another mistake?

23 MR. DROGIN: I think, I think
24 that you were right that the last one
25 was 122. And this one is 123.

1 Brittany, I'm not sure why you
2 think otherwise. Two of the exhibits
3 that were used yesterday had actually
4 been previously marked, so I think
5 that's where your numbers may be off.

6 I would concur that this is 123,
7 or whatever you just uploaded. 123.

8 MR. SANFORD: Apparently, this
9 exhibit before Mr. De Niro was
10 previously marked as 115.

11 So while you have an opportunity
12 to look at that, let's go off the
13 record.

14 MR. DROGIN: So are we remarking
15 it?

16 MR. SANFORD: Well, I mean, it
17 should have been marked as 115.

18 MR. DROGIN: Okay.

19 So we're not marking this as 123?

20 MR. SANFORD: Right.

21 MR. DROGIN: Okay.

22 THE VIDEOGRAPHER: The time is
23 10:18. We are going off the record.

24 (Whereupon, at 10:18 o'clock
25 a.m., a recess was taken until 10:20

1 o'clock a.m.)

2 THE VIDEOGRAPHER: The time is
3 10:20. We are back on record.

4 BY MR. SANFORD:

5 Q. All right.

6 Mr. De Niro, you understand you're
7 still under oath?

8 A. Yes.

9 Q. You've had an opportunity to review
10 what's been marked as Plaintiff's Exhibit 115,
11 right?

12 A. Yes.

13 Q. Looking at Ms. Robinson's
14 December 18, 2018 e-mail, I direct your
15 attention to the fifth paragraph where she
16 writes - and I'm quoting here - "This is a
17 change in base salary. All other items do not
18 need to be adjusted."

19 Do you see that?

20 A. Yes. I mean, you're quoting her
21 saying this is a change in base salary.

22 You're saying that or is she saying
23 that?

24 Q. I'm taking the quote from the
25 e-mail.

1 A. I don't see that.

2 Q. In the fifth paragraph.

3 A. In the fifth paragraph. Oh, yes,
4 okay. I see it.

5 Q. Okay.

6 As of December 2018, what were the
7 other perks that Ms. Robinson received in
8 addition to her base salary, do you know?

9 A. I don't know. I don't remember or
10 don't know really.

11 Q. All right.

12 And in late 2018, can you describe
13 for me all the expenses that Ms. Robinson was
14 authorized to charge to Canal?

15 A. No, I can't. I don't remember
16 really.

17 Q. Okay. All right.

18 You testified yesterday that Canal
19 has never had written policies, correct?

20 MR. DROGIN: Objection to form.

21 A. What?

22 MR. DROGIN: You can answer.

23 BY MR. SANFORD:

24 Q. You testified yesterday, did you
25 not, that Canal has never had written policies,

1 correct?

2 A. Yes. I guess I did, yes.

3 Q. And that's true, correct?

4 A. Yes.

5 Q. Okay.

6 You generally had conversations with
7 employees concerning expenses orally rather than
8 in writing?

9 A. Right.

10 Q. Is that right?

11 A. Yes.

12 Q. And do you remember during
13 Ms. Robinson's employment what Canal's practices
14 were concerning employee expenses?

15 A. No, I don't know those specifics.

16 Q. Do you remember during
17 Ms. Robinson's employment what Canal's standard
18 operating procedure was with respect to employee
19 reimbursements?

20 A. No. Oh, I mean I would know if
21 something was spent and charged to me where it
22 shouldn't be. Of course, I would.

23 Q. And how would you know if something
24 was charged to you that shouldn't be?

25 A. Well, it would be brought to my

1 attention. It should be brought to my attention
2 by Chase Robinson or it will be brought to me by
3 my accountant that this expense seems strange or
4 whatever.

5 Q. And what would be strange about an
6 expense to you?

7 A. Well, if something was -- money was
8 spent that shouldn't have been spent by me but
9 by even Chase Robinson or any of the other
10 people who work for me at the time.

11 Q. What would be an example of
12 something that shouldn't have been expensed that
13 was to you?

14 A. I don't know. Taking, taking maybe
15 cars or something when they really shouldn't
16 have or should have checked with me first or
17 with her.

18 Q. Okay.

19 And Ms. -- I'm going to return to
20 this in a minute, but let me just figure this.

21 During Ms. Robinson's employment,
22 what were Canal's standard operating procedures
23 concerning the use of credit cards?

24 A. I can't really remember
25 specifically, but my accountants know that. My

1 your best recollection, what Ms. Robinson
2 brought to you as an inappropriate expense made
3 by a staff member?

4 A. Small things like per diem petty
5 cash for, for certain employees and stuff like
6 that.

7 Q. And how often would she bring those
8 questions --

9 A. From time to time.

10 Q. How often would she bring those
11 questionable expenses to you?

12 A. From time to time.

13 Q. And what does that mean?

14 A. I don't know. Every couple of
15 months, here and there. You know, those
16 specifics I don't really know.

17 Q. Okay.

18 During Ms. Robinson's employment,
19 Canal had a practice of paying for employees'
20 lunches every workday, right?

21 MR. DROGIN: Objection to the
22 form.

23 You can answer.

24 A. Yes, I don't know. I don't even
25 know if I can answer that. But again, I trusted

1 lawyers know that.

2 Q. During Ms. Robinson's employment,
3 what were Canal's standard operating procedures
4 concerning petty cash?

5 A. Again, my accountant would know that
6 and my lawyers would know that.

7 Q. During Ms. Robinson's employment,
8 how often were suspicious expenses brought to
9 your attention?

10 A. They were brought from time to time.
11 It was more from her with other people who work
12 for me. Though, in hindsight, I should have not
13 even addressed them and let them be handled by
14 my accountant -- referred to my accountant, even
15 my lawyer.

16 Q. Okay.

17 When you say they were brought by
18 her, are you talking about Ms. Robinson?

19 A. Yes, by Ms. Robinson.

20 Q. So Ms. Robinson would bring to your
21 attention itemized expenses by other employees
22 that she thought were suspicious?

23 A. She thought were, she thought were
24 inappropriate and -- yes.

25 Q. And what would be an example, to

1 what was being done by, by her, Chase.

2 BY MR. SANFORD:

3 Q. During Ms. Robinson's employment, if
4 an employee was working through dinner, Canal
5 would pay for that dinner, right?

6 A. Can you repeat that?

7 Q. Sure.

8 During Ms. Robinson's employment, if
9 an employee was working through dinner, Canal
10 would pay for that dinner, right?

11 A. It would seem that that would be
12 what should be done, of course.

13 Q. And did you place any limits on meal
14 expenses Canal paid for its employees?

15 A. I left that up to Chase and common
16 sense by everybody.

17 Q. And during the period of 2008 to
18 2019, as far as you were aware, what other food
19 or drink expenses would Canal pay for on behalf
20 of its employees?

21 A. I can't -- I don't really have an
22 answer. I don't know.

23 Q. During the period of 2008 to 2019,
24 there were various circumstances where Canal
25 would pay for employees to take taxis and Ubers

1 and Lyft, correct?

2 A. I don't even know that. But again,
3 that was up to her. So, I again say it was up
4 to her to do what was right, ethical, and it is
5 that simple.

6 Q. What were the circumstances when
7 Canal would pay for employees to take taxis,
8 Ubers or Lyft?

9 A. It would only be if it was at night
10 or some time which is not normal work hours.
11 That's what I would expect, you know. Again,
12 common sense.

13 Q. Did you ever say that to anybody?

14 A. They knew that's how I felt, and I
15 had said it, I know it, from time to time to
16 Chase.

17 Q. Who did you tell?

18 A. I said it to her.

19 Q. And Chase would apply those
20 guidelines to her assistants and the employees
21 at Canal?

22 MR. DROGIN: Objection to the
23 form.

24 THE WITNESS: I'm sorry.

25 MR. DROGIN: Objection to the

1 form.

2 You can answer.

3 A. Yes, I'm not sure what you mean by
4 other executive assistants. When? Before her
5 or during or what?

6 BY MR. SANFORD:

7 Q. At any time during the Canal
8 operation.

9 A. Well, I mean, she might because she
10 was the last person working and things generally
11 go up. Inflation, this and that. So, you know,
12 that's all that I could say.

13 Q. Do you recall conversations with
14 Ms. Robinson at times in which she requested
15 authorization to charge certain one-off expenses
16 to Canal?

17 A. Can you give me an example?

18 Q. Anything that you can remember.

19 A. I can't remember other than that she
20 had at times would say I want to take some of
21 the staff to a dinner or a lunch here and there,
22 I would say, at Nobu and I would say that's
23 okay.

24 Q. Ms. Robinson was generally
25 authorized to charge lunches to Canal while she

1 form.

2 You can answer. Go ahead.

3 A. I relied on her judgment about those
4 things.

5 BY MR. SANFORD:

6 Q. Do you remember any conversation?

7 A. No, not specifically.

8 Q. Describe for me what you told
9 Ms. Robinson over the years about what expenses
10 she was generally authorized to be reimbursed
11 for Canal.

12 Do you remember any conversation?

13 A. It is not like I had any -- she knew
14 and I didn't have to go into detail. It was
15 common sense.

16 If she brought something to my
17 attention about it, I would say, "Well, you
18 know, use your best judgment about that. But
19 let's not, let's not waste -- let's not
20 overindulge and, you know, use common sense.
21 Period. I rely on you to do that."

22 Q. Ms. Robinson was authorized to
23 charge more types of expenses to Canal than your
24 other executive assistants were, correct?

25 MR. DROGIN: Objection to the

1 was working, correct?

2 MR. DROGIN: Objection to the
3 form.

4 You can answer.

5 A. Yes, I don't know. I don't know. I
6 can't even answer. I expected that she worked
7 that out with my business people as to what
8 would be appropriate.

9 And if there was something that was
10 inappropriate or something was flagged, they
11 would make me aware of it or I expected her
12 before that to make me aware of it.

13 BY MR. SANFORD:

14 Q. Ms. Robinson was generally
15 authorized to charge dinners to Canal while she
16 was working; isn't that right?

17 MR. DROGIN: Objection to the
18 form.

19 A. Again, it is common sense. If
20 you're working, you could charge for dinner, of
21 course.

22 BY MR. SANFORD:

23 Q. And your business people never
24 flagged a concern about Ms. Robinson's meal
25 expenses prior to her resignation; isn't that

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1 right?

2 A. I can't remember. I don't know.

3 Q. Do you recall what you, what you
4 authorized Ms. Robinson to charge Canal for
5 regarding meals and coffees?

6 A. Say that again.

7 MR. SANFORD: Strike that. It
8 was a poorly phrased question. Let me
9 strike that.

10 BY MR. SANFORD:

11 Q. Do you recall conversations you had
12 with Ms. Robinson over the years about the
13 circumstances when she was authorized to charge
14 Canal for her meals and coffees?

15 A. Well, like I said, everything I just
16 said about common sense and so on. And if
17 there's something, she can deal with my
18 accountants or my lawyer -- one of my lawyers on
19 it.

20 Q. Well, you know that Ms. Robinson
21 often used taxis and Ubers in connection with
22 work for you, correct?

23 MR. DROGIN: Objection.

24 Objection to the form.

25 Go ahead.

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1 A. Excuse me?

2 Q. This is a work trip in LA
3 Ms. Robinson took on your behalf, correct?

4 MR. DROGIN: Objection to the
5 form.

6 A. It was a supposed work trip, though
7 I later learned that it was not a work trip
8 really.

9 It was a -- she said she was
10 bringing out some books, movie books for gifts
11 to people out there, and then I later learned
12 that she hadn't brought them out.

13 But she took the trip anyway because
14 she was going to a birthday party of somebody
15 who also worked for me. And I don't know if you
16 deposed her, but I would think it would be a
17 good idea to depose her.

18 Anyway, that's what I know about
19 that.

20 BY MR. SANFORD:

21 Q. Would it surprise you to learn that
22 Ms. Robinson did not attend the birthday party
23 in LA?

24 A. Well, what do I know. All I know is
25 she was doing, taking -- having certain

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1 A. I was aware of it.

2 BY MR. SANFORD:

3 Q. And you can say for certain, or
4 can't you say for certain, that any of the taxi
5 and Uber charges that appeared on the Canal
6 American Express under Ms. Robinson's name were
7 not made in connection with work Ms. Robinson
8 was doing for you?

9 MR. DROGIN: Same objection to
10 the form.

11 Go ahead.

12 A. Well, I later learned that she was
13 charging Ubers while she was in London to me. I
14 don't know, even in LA. That was not something
15 she ever brought up and asked my approval for.

16 She also had rented a car when she
17 was in LA, but also using Ubers, I was told.
18 That was not appropriate. That was not right.
19 That was not ethical. Period.

20 BY MR. SANFORD:

21 Q. Well, let me, let me break down what
22 you just said for a second here.

23 When you say that Ms. Robinson was
24 in LA and had rented a car, this is a work trip
25 in LA, correct, you're referring to?

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1 expenses. And the reason that I understood was
2 that she was out there because she was bringing
3 those books out to the people who I was giving
4 them to, but she didn't.

5 Q. And you don't know when those Taxi
6 Driver books arrived in LA, do you?

7 A. No, I don't know specifically.

8 Q. And do you remember having
9 conversations with Ms. Robinson about Toukie
10 Smith and the point of scouting a hotel for
11 Toukie Smith in LA?

12 Do you recall those conversations?

13 A. No, I don't.

14 Q. Okay. All right.

15 Let me go back to expenses. If
16 Ms. Robinson testifies at trial that she used
17 the Canal Amex card bearing her name on taxi and
18 Uber rides in connection with work with you, you
19 would have no basis to dispute that, would you?

20 MR. DROGIN: Objection to the
21 form.

22 You can answer.

23 A. I would dispute it if she is not
24 doing it for actual work.
25

1 BY MR. SANFORD:

2 Q. Right.

3 But if she testifies at trial that
4 she used the taxis and Ubers for work for you,
5 you would have no factual basis to dispute her,
6 would you?

7 A. Yes, I would. She has to then be
8 specific as to what she used them for and then I
9 could tell you right away whether it was for
10 work or not.

11 Q. How would you know on any particular
12 day whether she was working -- if she says she
13 is working on a particular day, going back four
14 years, are you saying you have an independent
15 basis to contest that sworn testimony?

16 A. I just want to know what she did.
17 And you tell me, she tells me and I'll say,
18 "Well, you're not supposed to be taking an Uber
19 for that." It is that simple.

20 Q. Well --

21 A. You're not supposed to be taking an
22 Uber to have lunch with friends or do this or
23 some social stuff. That's not work. Period.

24 Q. I understand what you have been told
25 by other people apparently regarding a birthday

1 she did out there?

2 A. I think they can find out, yes.

3 Q. And how would they find out?

4 A. Because they would find out from my
5 staff who has records of everything and would
6 say, look, no, he didn't or this or that. They
7 found out and told me.

8 Q. So you're relying on your lawyers
9 who are relying on staff, none of whom was in LA
10 with Ms. Robinson knowing what she was doing?

11 A. But I'm relying -- but then you're
12 relying on what she tells you and questioning me
13 like this now. What's the difference?

14 Q. All right.

15 So, look, the difference is you're
16 being deposed and I'm not.

17 A. Yes, maybe you should be deposed.

18 Q. Well, right now I'm deposing you and
19 I get to ask the questions and you get to give
20 the answers.

21 A. Okay.

22 Q. All right.

23 So if Ms. Robinson testifies at
24 trial at times she used the Canal Amex card
25 bearing her name to pay for taxis and Uber rides

1 party, and I've already asked you if you would
2 be surprised to learn if Ms. Robinson did not
3 attend the birthday party that you have been
4 told by others she attended.

5 A. It doesn't matter. She did
6 something in that trip that was not, how shall
7 we say, appropriate, as far as I know. And --
8 period.

9 Q. You don't know what she did on that
10 trip that was appropriate or inappropriate, do
11 you?

12 A. I know I paid for that trip out
13 there. And the reason she was supposed to go
14 out there was to bring the books. She did not
15 bring the books. That I have been told.

16 Q. And you have been told.

17 And who told you?

18 A. My, my representatives.

19 Q. Who are your representatives?

20 A. My lawyers.

21 Q. Who told you?

22 A. My lawyers.

23 Q. Your lawyers told you this?

24 A. Yes.

25 Q. And you think your lawyers know what

1 for other Canal employees, you would have no
2 basis to dispute her, would you?

3 MR. DROGIN: Objection to the
4 form.

5 A. Can you repeat that question,
6 please?

7 BY MR. SANFORD:

8 Q. Sure.

9 If Ms. Robinson testifies at trial
10 that at times she used the Canal Amex card
11 bearing her name to pay for taxi and Uber rides
12 for other Canal employees, you would have no
13 basis to dispute her, would you?

14 MR. DROGIN: Objection.
15 Objection to the form.

16 A. Well, normally I would have no
17 objection. But after she quit and I learned of
18 the abuses that she had been doing, I questioned
19 a lot of things that she had done saying that
20 she did it for work when she possibly didn't do
21 it for work.

22 MR. SANFORD: Can the court
23 reporter read back that response,
24 please?

25 (Record read.)

1 BY MR. SANFORD:

2 Q. Mr. De Niro, can you say for certain
3 that any of the taxi and Uber charges that
4 Ms. Robinson charged to Canal's credit card when
5 she was in New York were not made in connection
6 with work Ms. Robinson was doing for you?

7 MR. DROGIN: Objection.

8 Objection to the form.

9 Go ahead.

10 A. I think we can -- I can't
11 specifically say that because that's, as I say,
12 the honor system. I trusted her. When she says
13 she is working, she's supposed to be working.
14 When she's not, she's not. That's her choice
15 how she handles that.

16 So, but then I learned that she was
17 lumping things together. So specifically taking
18 an Uber from here to there, was it for work,
19 that's for her to say.

20 If you want to tell me, I will tell
21 you whether that's for work. Who was she going
22 to see? I'll tell you right away if it is for
23 work or not. So...

24 BY MR. SANFORD:

25 Q. Sitting here today, Mr. De Niro, are

1 you aware of one time specifically that
2 Ms. Robinson -- let me finish.

3 A. Yes, now you're playing games and
4 you know it. Go ahead. Go ahead.

5 Q. Mr. De Niro, sitting here today, are
6 you aware of one instance, one instance at any
7 time during the entirety of Ms. Robinson's
8 11-year tenure as an employee at Canal where
9 Ms. Robinson used a taxi, an Uber or a Lyft in
10 New York City that was not related to work for
11 you?

12 A. You're talking about New York City?

13 Q. Well, I'm starting with New York
14 City, yes. That's where she worked and that's
15 where most of her time was spent.

16 A. Again, that was up to her to be
17 honest. I am not aware specifically that she
18 misused that privilege, but as time went on
19 after she quit, I saw that she had been abusing
20 that privilege. So, you figure that one out.

21 You know, it is a generalization,
22 but what else am I supposed to do when I see
23 that she has been dishonest?

24 Q. I understand your view about
25 Ms. Robinson.

1 A. Well, that's nice of you.

2 Q. I understand what you believe.

3 My questions are specific about your
4 knowledge, not your belief. I want to know what
5 you know. You're here as a fact witness.

6 MR. DROGIN: Counsel, he
7 explained to you. It is like any case
8 of fraud. You find out about it after
9 the fact.

10 MR. SANFORD: You know,
11 Mr. Drogen, that is so highly
12 inappropriate for you to inject yourself
13 here. I would ask you to refrain
14 yourself from speaking.

15 MR. DROGIN: It is not for you to
16 ask a hypothetical question. He
17 testified that he --

18 BY MR. SANFORD:

19 Q. Mr. De Niro --

20 MR. SANFORD: There is nothing
21 hypothetical.

22 MR. DROGIN: Why don't you pose
23 that at trial.

24 BY MR. SANFORD:

25 Q. Mr. De Niro --

1 MR. DROGIN: That's hypothetical.

2 BY MR. SANFORD:

3 Q. Tell me, tell me, if you know -- now
4 you're saying that you believe after
5 Ms. Robinson resigned, you came to be aware that
6 she expensed certain items that she shouldn't
7 have expensed.

8 Sitting here today, are you aware of
9 one item, one that Ms. Robinson expensed that
10 she shouldn't have expensed?

11 A. Let me explain.

12 I became aware of abuses on a bigger
13 scale. Specifically, I guess I can't say this
14 or that, but I became aware of abuses; stealing
15 my air miles, in London doing things, in LA
16 doing things.

17 New York, maybe she told a lie more
18 because it was New York. She knew she had to be
19 more respectful of the, what do you want to call
20 it, the rules of her being employed. She had
21 the responsibility. She might have been -- but
22 I don't, you know -- anyway...

23 Q. Was Ms. Robinson with you in London?

24 A. She was with me in London at some
25 time. She spent -- I was with her for like a

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1 day or two.

2 Q. Well, you were with Ms. Robinson in
3 November of 2018 for a Warburton project,
4 weren't you?

5 A. She was there part of it and then
6 she wasn't there.

7 Q. Well, you would know what she was
8 doing, she was with you, right?

9 Are you claiming that she did
10 anything in London that she shouldn't have done
11 in 2018 when she was with you?

12 May I finish? May I finish?

13 A. Go ahead.

14 Q. I know it is tempting to get
15 started. And I'm not criticizing you for it.
16 I'm just trying to be respectful of the court
17 reporter who is trying to get down what I'm
18 saying and what you're saying. So if you would
19 allow me to finish, please.

20 You knew what she was doing in
21 London because you were with her in London,
22 correct, in 2018?

23 A. I wouldn't be surprised. She was
24 with me. She had certain rights, of course.

25 That's the wrong word, but she was working with

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1 me, for me.

2 Though, now I wouldn't be surprised
3 if she abused that -- I don't know what you want
4 to call it, privilege or whatever. But she did
5 work with me there in England when I went there
6 that time.

7 Q. Well, sitting here today, looking
8 back on that experience in London with
9 Ms. Robinson in 2018, are you aware of any
10 charge that she made in London while she was
11 with you that she shouldn't have made?

12 A. When she was with me, I'm not aware.
13 But I wasn't supposed to be. I wasn't supposed
14 to be aware. I'm not, I'm not looking at every
15 little bill. I'm trusting her. Again, it is
16 the honor system. That simple.

17 Q. You made a claim moments ago that
18 she did things that were improper in London, and
19 I'm trying to understand what you understand
20 specifically to be improper that she did in
21 London.

22 A. What I meant was --

23 MR. DROGIN: Objection.

24 Objection.

25 Hold on. Hold on.

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1 Objection to the form. Just to
2 be clear, you're focused on a trip in
3 November of 2018?

4 MR. SANFORD: I am. I'm starting
5 there. That's correct.

6 MR. DROGIN: Okay.

7 BY MR. SANFORD:

8 Q. So, Mr. De Niro, just to finish this
9 trip in London that you were on with
10 Ms. Robinson, is there anything you are aware
11 now or had been aware at any time that would
12 indicate to you that she did something improper?

13 A. Before I heard that she had done
14 things improper, I never questioned what she
15 did. Now I question a lot of things.

16 So, I can't say for that particular
17 time in London with her that she did anything
18 improper. Only she knows that. Only the
19 records show that.

20 Q. All right.

21 So sitting here today, you don't
22 know that Ms. Robinson charged anything improper
23 in 2018, right?

24 A. I'm not the person to answer that
25 question because I don't look at those, that

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1 minutia. I don't do that. I'm not expected to
2 do that. I expect her to do that for me.
3 That's why she is with me. That's why I trust
4 her.

5 It is that simple. You don't do
6 that for me, then there's a big problem and
7 that's why we're here.

8 Q. Before you start claiming that
9 people are unethical and doing things illegally
10 under oath, don't you think you have an
11 obligation to follow up and satisfy yourself
12 that, in fact, someone did something improper?

13 Don't you think you have that
14 obligation, sir?

15 A. No, I was told she did something
16 improper. I don't have an obligation. I have
17 already been told that.

18 Q. I see.

19 So you don't believe you have any
20 obligation to follow up --

21 A. Oh, I do believe I have an
22 obligation. Of course I do, as she has an
23 obligation to me to do the right thing. I have
24 an obligation to be a proper employer of hers.
25 But we owe each other the same respect and --

1 Q. And did you follow up on your
2 obligation to satisfy yourself that, in fact,
3 Ms. Robinson did something improper?

4 MR. DROGIN: Objection to the
5 form.

6 You can answer.

7 A. Yes, we're playing games here. This
8 is nonsense.

9 BY MR. SANFORD:

10 Q. You said you had an obligation to
11 follow up. I'm asking you, sir, what did you do
12 to follow up to satisfy yourself that
13 Ms. Robinson did something improper?

14 A. What I did was when she quit, I said
15 to -- I said I feel that there might be
16 something happening with her because I just,
17 something -- I just don't feel right about it.

18 I told my lawyer, and according to
19 what I know - and I could be off on part of
20 this - they went through and saw what she was
21 supposed to return to me, even things that I
22 asked her to tie up loose ends that she was in
23 the middle of to help me to transition to a new
24 person, new situation, and then things were
25 starting to be discovered.

1 is over. Period.

2 Q. All right.

3 A. There's no trust anymore.

4 Q. All right.

5 A. That's not how it works.

6 MR. DROGIN: I also ask the
7 witness not to discuss any
8 communications with counsel.

9 THE WITNESS: Excuse me?

10 MR. DROGIN: Please do not
11 discuss any communications that you had
12 with counsel.

13 THE WITNESS: Okay. Okay.

14 BY MR. SANFORD:

15 Q. And, Mr. De Niro, to be clear, we're
16 having this back and forth here. I'm never
17 interested in your communications with counsel.
18 I don't care what you say to counsel. I don't
19 care what counsel says to you. I just want to
20 know what you know.

21 A. Yes, and you know I don't know
22 anything, so...

23 Q. Apparently.

24 A. Bottom line. I trust. That's the
25 bottom line. T-r-u-s-t, trust.

1 Q. I'm going to get into all of that, I
2 promise you.

3 A. Well, be my guest.

4 Q. We're going to spend a lot of time
5 together, Mr. De Niro.

6 A. Good.

7 Q. We're just getting started.

8 But I'm asking you right now with
9 respect to taxis and Ubers and Lyfts, whether
10 you looked at any line item at any time on any
11 credit card and asked yourself was she doing
12 work for me.

13 Did you ever do that?

14 A. I don't look at line items. Excuse
15 me. Again, it goes back to trust. I don't
16 nitpick and go over every day. After everything
17 she did with me, what cab did she take? What
18 did she do? What did she spend?

19 I don't do that. My accountants do
20 that.

21 Q. So you never satisfied yourself that
22 she did anything improper by looking at any line
23 item?

24 A. The satisfaction is feeling that I
25 can trust her. If she has broken the trust, it

1 Q. I think we're establishing you know
2 nothing today.

3 A. That's right, I know nothing. I
4 know nothing, and that's why I put my trust in
5 her, in Chase. Period.

6 Q. You knew nothing then and you know
7 nothing now, correct?

8 MR. DROGIN: Objection.

9 A. I don't know a lot now, but I know I
10 have been hearing that she has not done the
11 right thing.

12 Q. Okay.

13 A. Okay. So we'll find all that out as
14 we go.

15 BY MR. SANFORD:

16 Q. Yes, we will.

17 So, can you describe for me all of
18 the conversations you recall having with
19 Ms. Robinson regarding charging taxis, Ubers or
20 Lyfts to Canal?

21 A. I don't have conversations with her
22 about that. Again, it is trust. That's her
23 job, to do the right thing.

24 MR. SANFORD: All right.

25 Let's go off the record for about

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1 five minutes, please.

2 THE VIDEOGRAPHER: The time is
3 10:53. We are going off the record.

4 (Whereupon, at 10:53 o'clock
5 a.m., a recess was taken until 11:10
6 o'clock a.m.)

7 THE VIDEOGRAPHER: The time is
8 11:10. We are back on record.

9 BY MR. SANFORD:

10 Q. All right.

11 Mr. De Niro, you know you're still
12 under oath?

13 A. Yes.

14 Q. During Ms. Robinson's employment, it
15 was typical for there to be flowers or plants at
16 Canal's main office; isn't that right?

17 A. Yes.

18 Q. And Ms. Robinson purchased flowers
19 and plants for the office, didn't she?

20 MR. DROGIN: Objection.

21 A. Yes.

22 BY MR. SANFORD:

23 Q. And Ms. Robinson was authorized to
24 charge Canal for flowers and plants that were
25 purchased for the Canal office, right?

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1 MR. DROGIN: Objection to the
2 form.

3 You can answer.

4 A. Yes.

5 BY MR. SANFORD:

6 Q. And during Ms. Robinson's
7 employment, it was typical for there to be
8 flowers or plants at your home, correct?

9 A. At times, yes.

10 Q. Ms. Robinson purchased flowers and
11 plants for your home, didn't she?

12 MR. DROGIN: Objection to the
13 form.

14 You can answer.

15 A. Yes, at times.

16 BY MR. SANFORD:

17 Q. Ms. Robinson was authorized to
18 charge Canal for flowers that were for your
19 home; isn't that right?

20 A. Yes.

21 Q. During Ms. Robinson's employment, it
22 was typical for there to be flowers or plants at
23 parties that you threw, correct?

24 A. I didn't have many parties or
25 whatever, you know.

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1 Q. Well, to the extent you had parties
2 and to the extent you had --

3 A. I don't remember what parties she's
4 talking about or any party -- unless something
5 at the TriBeCa we had some parties, Christmas
6 party, this or that, a party for one of the kids
7 or something, or once we hosted a wedding for a
8 friend.

9 Q. Or holiday parties?

10 A. Yes.

11 Q. All right.
12 And at those parties, it was typical
13 to have flowers or plants, right?

14 A. Yes.

15 Q. And Ms. Robinson purchased the
16 flowers and plants for those parties, didn't
17 she?

18 A. Hopefully. That was what she was
19 supposed to have done. Either she did it or she
20 had somebody else do it.

21 Q. All right.

22 And Ms. Robinson was authorized to
23 charge Canal for the flowers that were at those
24 parties, correct?

25 A. Uh-hum, yes.

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1 Q. And if you approved sending flowers
2 or plants to a colleague of yours, that was
3 something that Ms. Robinson was authorized to
4 charge Canal, correct?

5 A. Yes.

6 MR. SANFORD: All right.

7 Let's look at ROBINSON, Bates
8 ROBINSON 6826, which is Exhibit 123, and
9 go off the record while Mr. De Niro has
10 an opportunity to review it.

11 (Document bearing Bates
12 stamp Nos. ROBINSON 6826 was marked
13 as Plaintiff's Exhibit 123 for
14 identification, as of this date.)

15 THE VIDEOGRAPHER: The time is
16 11:12. We are going off the record.

17 (Whereupon at 11:12 o'clock
18 a.m., a recess was taken until 11:14
19 o'clock a.m.)

20 THE VIDEOGRAPHER: The time is
21 11:14. We are back on record.

22 BY MR. SANFORD:

23 Q. All right.

24 Mr. De Niro, did you have an
25 opportunity to review what's been marked as

1 Exhibit 123?

2 A. Yes.

3 Q. Did you request that flowers be sent
4 to Amelia Brain as a starter gift for her work
5 on The Irishman?

6 A. I might have.

7 Q. Is that your handwriting on the card
8 reading Amelia B. that can be seen in this
9 photograph?

10 A. Yes, that's mine. That's mine, yes.

11 Q. And you commonly gave starter gifts
12 to fellow cast members on your movies, didn't
13 you?

14 A. I did a lot of times, yes.

15 Q. At times you approved sending
16 flowers or plants to your former parter Toukie
17 Smith, isn't that right?

18 A. I did, yes.

19 Q. And if you approved sending flowers
20 or plants to your former partner Toukie Smith,
21 that was something that Ms. Robinson was
22 authorized to charge to Canal; isn't that right?

23 A. As far as I remember, yes.

24 Q. And you are aware that Ms. Robinson
25 reversed the Flowers by Philip charge for her

1 birthday flowers, right?

2 A. Say that again.

3 Q. You are aware that Ms. Robinson
4 reversed the Flowers by Philip charge that was
5 made --

6 A. What is that? I'm sorry, I don't
7 know what that is.

8 Q. Are you aware that Ms. Robinson
9 inadvertently made a charge for flowers for her
10 own birthday?

11 A. I'm not aware of that.

12 Q. Okay.

13 So you're not aware that she
14 reversed those charges once she realized it?

15 A. You're saying she reversed them.
16 I'm not clear what you're saying.

17 Q. She reversed the charges. In other
18 words, she paid for them herself. She didn't
19 charge them for Canal ultimately.

20 Do you understand that?

21 A. Yes. You mean, sending flowers to
22 herself, yes. I mean, she wasn't sending
23 flowers supposedly from me. She was sending
24 them to herself.

25 Q. Correct.

1 A. Who was sending them to looked like
2 an ass. From herself to herself?

3 Q. Yes.

4 And when she realized the mistake,
5 she paid for the flowers herself. Do you
6 realize that? Do you realize that today?

7 A. No, I didn't know that. I didn't
8 know any of that.

9 Q. You don't know for certain that any
10 of the flowers paid for on Canal's American
11 Express were actually for Ms. Robinson
12 personally, do you?

13 MR. DROGIN: Objection to the
14 form.

15 You can answer it.

16 A. I don't know, but I -- somehow I
17 surmise that there were maybe things where she
18 sent them from me where possibly -- and I could
19 be wrong about this, where I -- it might not
20 have been the right thing to do.

21 I'm not saying that was what
22 happened, but I'm just saying that I had some,
23 something -- somewhere that I was under that
24 possible impression.

1 BY MR. SANFORD:

2 Q. At times you approved sending
3 flowers or plants to your associates, right?

4 A. Yes.

5 Q. If you approved sending flowers or
6 plants to your associates, that was something
7 that Ms. Robinson was authorized to charge
8 Canal, right?

9 A. Yes, if I approved sending to --
10 yes, of course. She could do that.

11 Q. And if Ms. Robinson testifies at
12 trial that she used the Canal card bearing her
13 name at a flower shop for flowers and plants for
14 the office or for your townhouse or for your
15 parties or for your associates, you wouldn't
16 have any reason or factual basis to dispute her,
17 would you?

18 MR. DROGIN: Objection to the
19 form. Objection to the form.

20 You can answer.

21 A. No, I shouldn't have any reason to
22 dispute that.

23 BY MR. SANFORD:

24 Q. Okay.

25 You have dogs, correct?

1 A. Yes.
 2 Q. Do you consider yourself a dog
 3 lover?
 4 A. I like dogs a lot.
 5 Q. I do too.
 6 Do you recall a time when
 7 Ms. Robinson's dog had cancer?
 8 A. Yes, I do.
 9 Q. That was in and around the summer of
 10 2018, right?
 11 A. I think, yes.
 12 Q. Do you recall that Ms. Robinson was
 13 looking for rental homes for you at the time?
 14 A. It could be, yes.
 15 Q. Ms. Robinson told you that her dog
 16 had cancer, didn't she?
 17 A. She did, yes.
 18 Q. And Ms. Robinson told you that her
 19 dog couldn't be left alone during that time;
 20 isn't that right?
 21 A. I don't remember that, but --
 22 Q. Do you remember authorizing
 23 Ms. Robinson to get reimbursed for her
 24 dog-sitting expenses when her dog was sick with
 25 cancer?

1 a dog-sitter because I need the dog-sitter to be
 2 with my dog because of his condition if I do
 3 these things that I have to do for you work
 4 wise." I don't remember that.
 5 Q. Well, you don't remember a
 6 conversation with Ms. Robinson then where you
 7 approved her being reimbursed for dog-sitting
 8 expenses when her dog was sick with cancer?
 9 A. No, I don't.
 10 Q. But it happened and you just don't
 11 remember?
 12 A. Sorry. It could have happened and I
 13 might have approved it, but I don't remember her
 14 ever asking me.
 15 I feel, and I know this is -- I
 16 don't know what weight this has, but I feel that
 17 might have been something she did. She assumed
 18 she could do it; and that she had the right to
 19 do it, though I would feel she should tell me
 20 that she is going to do it.
 21 And I don't remember ever hearing
 22 her say that to me.
 23 MR. DROGIN: I can't hear you,
 24 David.
 25 MR. SANFORD: Can you hear me

1 A. I don't remember that, no.
 2 Q. You paid for dog-sitting expenses
 3 for Robin Chambers at times, didn't you?
 4 A. I don't remember that, but for some
 5 reason that is different. That's a long time
 6 ago. She shouldn't compare herself to Robin
 7 Chambers.
 8 I don't remember her saying can I
 9 pay for dog-sitting. Can I pay the dog-sitter
 10 because I have to do these things for you. That
 11 would have been -- I probably would have said,
 12 "Well, of course. You have to, of course."
 13 I'm not going to not do it. But I
 14 was not made aware of it.
 15 Q. There was nothing unusual about an
 16 employee charging Canal for an iPhone, correct?
 17 MR. DROGIN: Objection to the
 18 form.
 19 A. No. And I just want to say with the
 20 dog, I was not made aware of her charging me for
 21 the dog-sitter, if you will.
 22 BY MR. SANFORD:
 23 Q. I'm sorry, say that again.
 24 A. I was not made aware -- I don't
 25 remember her ever saying to me "I'm going to get

1 now?
 2 MR. DROGIN: Yes.
 3 MR. SANFORD: Sorry. I froze.
 4 BY MR. SANFORD:
 5 Q. Sitting here today, you don't have
 6 any reason to dispute that you had a
 7 conversation with Ms. Robinson where you
 8 approved her being reimbursed for dog-sitting
 9 expenses when her dog was sick with cancer,
 10 right?
 11 MR. DROGIN: Objection to the
 12 form.
 13 You can answer.
 14 A. I'm sorry, I don't remember that
 15 conversation. I don't remember it in an e-mail.
 16 And I think I would have remembered that.
 17 That's all I can tell you.
 18 BY MR. SANFORD:
 19 Q. All right.
 20 There was nothing unusual about an
 21 employee charging Canal for an iPhone, correct?
 22 MR. DROGIN: Objection to the
 23 form.
 24 You can answer.
 25 A. If it is a Canal iPhone, yes.

1 BY MR. SANFORD:

2 Q. And Ms. Robinson was authorized to
3 charge Canal for her work iPhone; isn't that
4 right?

5 A. This is a detail I'm not, I'm not
6 aware of, but I would expect that that's her job
7 to make sure that it is done appropriately and
8 through my accountants and blah, blah, blah.

9 The same, you know, that kind of --
10 that's the way it should be done -- should have
11 been done.

12 Q. And if Ms. Robinson's iPhone broke,
13 Canal would replace it for a replacement iPhone;
14 isn't that right?

15 A. Yes, that would be appropriate.

16 Q. And do you recall conversations with
17 Ms. Robinson regarding Canal paying for iPhones?

18 A. No.

19 Q. Do you remember any conversations
20 you had with Ms. Robinson regarding charging
21 iPhones to Canal?

22 A. No.

23 Q. Ms. Robinson also purchased a
24 duplicate iPhone for you to assist with your
25 divorce proceedings; isn't that right?

1 Q. You think a clone phone is a working
2 phone?

3 A. That's not really a working phone.
4 That's a clone phone. There's a difference.

5 Q. So do you know the difference
6 between a clone phone and a backup?

7 A. If it was a backup, it had to be
8 made -- I had to be made aware that it was a
9 backup. I was not made aware, now that we're
10 going into that it is a backup.

11 Q. Well, do you know whether or not
12 Ms. Robinson made a backup or had a clone phone?

13 A. I don't know. I don't know what it
14 was. All I know --

15 Q. All right.

16 You don't know. And do you know --

17 A. I don't -- I think that having a
18 backup phone that has everything that I have on
19 my phone, I wouldn't be comfortable with.

20 Q. I'm just saying --

21 A. Going back over phone records and
22 stuff like that with Grace or texts or e-mails
23 is one thing.

24 Getting a clone phone - you want to
25 call it a work phone, you can - that duplicates

1 A. I don't remember that. I thought
2 she was supposed to go over my phone and look at
3 the past phone records for anything between my
4 about-to-be-ex-wife and myself. That's all I
5 remember.

6 I don't remember whether I
7 authorized her to get another phone.

8 Q. Well, yesterday you testified that
9 Ms. Robinson had a clone phone, correct?

10 A. That's what I heard. I heard that
11 after, that she cloned -- that she had a clone
12 phone. I did not know that. That, if she said
13 I'm going to get a clone phone.

14 So I might have had a phone with
15 that. I would say why couldn't you just take my
16 phone, take whatever you need to take off for
17 the past year or two or whatever, or my
18 computer, any exchanges between my wife --
19 about-to-be-ex-wife and I, but that's it.

20 To get a clone phone, I don't know
21 if I would be happy with that.

22 Q. Do you know what a clone phone is?

23 A. I think it is another phone that is
24 exactly like your phone so everything that goes
25 to my phone goes to that phone.

1 everything that I'm getting up and into the
2 future makes no sense.

3 Q. Do you know the difference between a
4 clone phone and a backup phone?

5 A. Just the semantics, as far as I
6 know.

7 Q. Do you understand that a backup
8 phone has no sim card? Do you know what a sim
9 card is?

10 A. Yes.

11 Q. And do you know that a backup phone
12 has no sim card?

13 A. I'm not, I'm not understanding what
14 that means. So one sim card on the original
15 phone is being used for the backup phone and my
16 phone. So that's the same thing as clone phone.

17 Q. Do you understand that sim card
18 allows your phone to be connected to a mobile
19 network?

20 A. Yes, to another phone, which is what
21 we're calling a backup phone or a clone phone,
22 whatever you want to call it, or a work phone.

23 Q. Let me back up myself. I just
24 want --

25 MR. DROGIN: Why don't you clone

1 yourself.

2 MR. SANFORD: I would like to
3 clone myself and be --

4 THE WITNESS: I understand.

5 That's the way I feel.

6 BY MR. SANFORD:

7 Q. We feel the same way, sir. We feel
8 the same way.

9 A. You can clone two people to do this
10 whole thing for us and save ourselves a lot of
11 aggravation.

12 Q. Yes.

13 Let's start with your understanding
14 because you used this term yesterday, a clone
15 phone, and you were very upset when you talked
16 about it because you thought that Ms. Robinson
17 did something terrible by making this clone
18 phone.

19 And I want to understand, first of
20 all, what your understanding is of what a clone
21 phone is, and I also want to understand whether
22 you have the correct understanding of what a
23 clone phone is. So that's the point of the
24 questions.

25 Okay.

1 But taking the liberty or license,
2 or whatever you want to call it, to go into the
3 future from that moment on was not right.

4 Q. Okay.

5 A. And she did it.

6 Q. And do you know if Ms. Robinson did
7 that, going into the future?

8 A. I was told she -- I don't know if
9 she did that, but she had -- again we get to a
10 clone phone. It was a clone phone.

11 So I am not saying she did that, but
12 that's the feeling; that she took the liberty to
13 look, to listen or to make herself privy to
14 messages that I had from that present to the
15 future until the time that she quit, yes.

16 Q. All right.

17 So sitting here today, do you know
18 what Ms. Robinson did with your phone, whether
19 she made something that contained all of the
20 information in the phone in the past or whether
21 she allowed access that she could have to the
22 future?

23 Do you know what she did?

24 A. Say your question -- repeat that
25 question, please.

1 So tell me what you understand to be
2 a clone phone.

3 A. Well, why don't I just go -- or why
4 don't we just go to what she actually did.

5 If she had a phone that got --
6 intercepted everything that my phone got, going
7 from the present to the future when we were
8 looking to the past, there is something wrong
9 with that. Period.

10 And I would have said no, we can't
11 do that. We have to go to the back, to the
12 past, but not continue from the present to the
13 future. That's something else.

14 Q. Thank you.

15 A. That's something else.

16 Q. Thank you. Very good. All right.

17 So, do you know what, in fact,
18 Ms. Robinson did for you with respect to that
19 phone?

20 Did she go back into the past? Did
21 she go into the future? What is your
22 understanding of what she did?

23 A. My understanding is that she went to
24 the past. She went from the present to the
25 past, which is all she should have done.

1 Q. Do you know whether or not the
2 phone, the duplicate phone that you asked
3 Ms. Robinson to make in connection with your
4 divorce proceedings actually allowed
5 Ms. Robinson to have access to your future
6 calls?

7 Do you know, do you know the answer
8 to that question?

9 A. My understanding is that she had
10 access to my future calls. She had access until
11 the day she left, the day she resigned.

12 Q. And if Ms. Robinson testifies under
13 oath that you are completely wrong about that,
14 would you have any reason to doubt that?

15 A. Yes, I would.

16 Q. And what would the reason be?

17 A. I, I have my --

18 Q. Did someone tell you this?

19 A. Yes, I've been made to understand
20 that she had access and had access to e-mails
21 that I had up until practically the time that
22 she resigned.

23 Q. And tell me everybody -- I'm not
24 asking about lawyers, but tell me everyone else
25 who told you that.

1 A. Nobody told me. It came to me one
2 night in a -- I had a dream and it came to me
3 that this is what Chase did.

4 Q. And in that dream, who told you
5 this?

6 A. I dreamt that my lawyer found that
7 out.

8 Q. All right.

9 You dreamt that your lawyer found it
10 out. All right.

11 Well, if Ms. Robinson testifies that
12 your dream is completely wrong, would you have
13 any other reason to doubt her besides the dream?

14 A. I don't -- listen, she has done a
15 few things that have put her over the edge. She
16 has crossed the line. I don't trust her. I
17 know -- I'm pretty certain that she did that.

18 She had access to e-mails of mine up
19 until just about when she left or even after
20 that. Because if I didn't know about it and we
21 didn't find out about it until after she left,
22 obviously, you know, what else am I to expect?

23 Q. All right.

24 MR. SANFORD: Mr. De Niro, we're
25 going to show you a video that's Bates

1 stamped ROBINSON 14996, and it is
2 exhibit -- what exhibit are we at now,
3 124.

4 MR. DROGIN: 124.

5 MR. SCHAITKIN: 124.

6 (Video was marked as
7 Plaintiff's Exhibit 124 for
8 identification, as of this date.)

9 (Whereupon, a video was
10 played.)

11 THE WITNESS: You're showing me a
12 video?

13 MR. SANFORD: That's my
14 understanding.

15 MR. DROGIN: So this is not going
16 in the chat. How are you showing the
17 video?

18 MR. SANFORD: It is loading in
19 the chat.

20 MR. DROGIN: Oh, okay.

21 MR. SANFORD: Let's go off the
22 record to allow it to load. It might
23 take a few minutes. I don't want to
24 waste time.

25 THE VIDEOGRAPHER: The time is

1 11:32. We are going off the record.

2 (Whereupon, at 11:32 o'clock

3 a.m., a recess was taken until 11:42
4 o'clock a.m.)

5 THE VIDEOGRAPHER: The time is

6 11:42. We are back on record.

7 BY MR. SANFORD:

8 Q. All right.

9 You understand you're still under
10 oath, Mr. De Niro?

11 A. Yes.

12 Q. All right.

13 Do you recall signing the poster as
14 a 30th birthday gift for Amelia Brain?

15 A. Yes.

16 Q. Do you recall that part of this
17 birthday gift was also a Louis Vuitton handbag
18 for Ms. Brain?

19 A. I might have. I mean, I knew that
20 was the poster was the main gift. I don't know
21 whether Chase tacked that on because -- me, I'm
22 not into Louis Vuitton, even as a gift to
23 people. And it is not my thing.

24 So I would have gladly given her the
25 poster. Whether I would pay -- I'm certain, a

1 bit of money for the Louis Vuitton bag -- maybe
2 Chase did that as an added tack on from us, me,
3 maybe even her.

4 I don't know. I don't remember
5 that. That has, you know --

6 Q. Do you remember conversations you
7 had with Ms. Robinson regarding charging a Louis
8 Vuitton handbag to Canal as a birthday gift for
9 Ms. Brain?

10 A. Can I ask you how much it was?

11 Q. Well, as these things go, a lot of
12 money, right. I don't know how much.

13 A. That's why I feel I would have had a
14 problem with that. I rather get her a couple of
15 books or something.

16 I mean, Chase might have said "Can I
17 get her a bag. I know she wants that?"

18 And if it is going to cost a lot of
19 money, I would say, "Well, I'm doing the poster.
20 Let's not go that far."

21 I really don't know. If you tell me
22 the bag cost \$1,500 or \$2,000, I'm not going to
23 want to do it. That's something that Chase
24 could have done, taken the liberty to do, which
25 she shouldn't have if she did.

1 Q. If Ms. Robinson testifies that she
2 understood that you wanted to give that as a
3 gift to Ms. Brain, she would be authorized to
4 charge it to Canal, correct?

5 MR. DROGIN: Objection to form.

6 A. She can testify to anything she
7 wants. That has nothing to do with anything.

8 BY MR. SANFORD:

9 Q. I'm asking if you have any reason to
10 doubt the sworn testimony that Ms. Robinson will
11 give concerning your approval of this bag.

12 A. I do.

13 MR. DROGIN: Hold on, hold on.

14 Objection to the form.

15 BY MR. SANFORD:

16 Q. This is a gift. This has nothing to
17 do with Ms. Robinson. This is a gift that you
18 are giving, correct?

19 A. I don't, I don't remember the bag.
20 Signing this poster for Amelia, which I wanted
21 gladly to do, is one thing.

22 Sending her a bag, a Louis Vuitton
23 bag, which I know can be very expensive, I don't
24 know whether I would have gone for that. I
25 don't think I did it.

1 BY MR. SANFORD:

2 Q. You don't remember -- Mr. De Niro,
3 you don't remember one way or another, do you?

4 A. No, but I do know that I have a -- I
5 kind of have a hiccup if she told me -- I know I
6 had to have asked her what it would cost, and
7 she had to have said to me this is something she
8 really wants because I would never myself offer
9 to get it. I would rely on Chase to suggest
10 what else she wants.

11 But I felt the poster was, not
12 adequate, but -- yes, adequate in a way. And if
13 it is a \$500 bag, maybe. Or 750.

14 But a thousand, 1,500, 2,000 --
15 those things are so overpriced and ridiculous to
16 me. Then I would have had an aversion to it.

17 Q. Sitting here today, you don't know
18 if the Louis Vuitton bag was \$500 or \$700?

19 A. No, I don't. That's why I'm asking
20 you. I don't know.

21 Q. But you don't know one way or
22 another whether you approved the purchase of the
23 bag, correct?

24 A. No, I don't.

25 MR. DROGIN: Objection.

1 Q. When you say very expensive, what is
2 very expensive to you?

3 A. At least a thousand dollars.

4 Q. At least a thousand dollars?

5 A. Yes.

6 Q. So you're saying you wouldn't have
7 given a gift for a thousand dollars?

8 A. No, I gave her my gift. I signed
9 the poster for her. That's gilding the lily
10 with Amelia. And I like Amelia very much.

11 But that to me seems like something
12 like Chase could have added on. I'm not saying
13 she did, but I wouldn't be surprised if she did.

14 Q. Well, I just want to be clear.

15 This is a gift. This is not from
16 Ms. Robinson. This is a gift not from
17 Ms. Robinson but from you to Ms. Brain, correct?

18 A. I don't recall --

19 MR. DROGIN: Objection to the
20 form.

21 Which gift are you talking about?

22 MR. SANFORD: The Louis Vuitton
23 bag.

24 MR. DROGIN: Objection to the
25 form.

1 Hold on. Hold on. Hold on.

2 Objection. Objection to the
3 form.

4 Go ahead.

5 BY MR. SANFORD:

6 Q. I'm asking you what you know, sir.
7 I'm asking you what you know --

8 A. I don't know, sir.

9 Q. Let me finish. Let me finish.

10 I'm asking you what you remember,
11 what you know. Not what could have been, what
12 should have been, what might have been, what
13 perhaps was.

14 I'm asking you, sir, what you
15 remember. Sitting here today, you don't
16 remember either way whether you approved it or
17 not, correct?

18 A. No, I don't.

19 MR. DROGIN: Objection to the
20 form.

21 A. You're right, I don't remember
22 approving a Louis Vuitton bag.

23 BY MR. SANFORD:

24 Q. Okay.

25 A. Unless she gives some history behind

1 it, Chase, otherwise I don't remember that.

2 MR. SANFORD: Okay.

3 Defendant's -- let's see, let me
4 go to a different topic.

5 MR. DROGIN: Can we just note for
6 the record that you showed a video of
7 one minute 52 seconds that shows Amelia
8 opening a wrapped present, which is the
9 signed poster that's been referred to,
10 but I don't see a Louis Vuitton bag in
11 the video.

12 I'm just saying that so the
13 record is clear.

14 MR. SANFORD: I understand.

15 THE WITNESS: I would like to see
16 the Louis Vuitton bag too, actually.

17 BY MR. SANFORD:

18 Q. Okay.

19 Paola's is a restaraunt --

20 A. Chase is walking around with it
21 somewhere, I don't know.

22 Q. Paola's is the restaurant you have
23 eaten at, correct?

24 A. Yes.

25 Q. It is a restaurant you have dined at

1 from time to time?

2 A. Yes.

3 Q. You have eaten at Paola's numerous
4 times over the years with many different people;
5 isn't that right?

6 A. Not many. Usually the kids or my
7 about-to-be-ex-wife and the kids, yes.

8 Q. And at times Ms. Robinson would pick
9 up food for you from Paola's, correct?

10 A. Yes.

11 MR. SANFORD: Let's show you a
12 document Bates stamped ROBINSON 5475 to
13 5476 -- or actually it is 54755 to
14 54766. And this exhibit is what number?

15 MR. DROGIN: 125.

16 MR. SCHAITKIN: 125.

17 MR. SANFORD: 125. And we'll go
18 off the record while you have an
19 opportunity to take a look.

20 THE VIDEOGRAPHER: The time is
21 11:49 and we are going off the record.

22 (Whereupon, at 11:49 o'clock
23 a.m., a recess was taken until 11:50
24 o'clock a.m.)

25 (Document bearing Bates

1 stamp Nos. ROBINSON 5475 through
2 5476 was marked as Plaintiff's
3 Exhibit 125 for identification, as
4 of this date.)

5 THE VIDEOGRAPHER: The time is
6 11:49. We are back on record.

7 BY MR. SANFORD:

8 Q. Before you begin, sir, the Bates is
9 ROBINSON 5745 to 5746.

10 Go ahead.

11 A. There's nothing. There's only from
12 me -- my phone number, date. My credit card is
13 on file. That's all I have in these two pages.

14 Nothing else. There's no --

15 Q. All right.

16 A. There's no --

17 Q. Ms. Robinson writes "At Paola's my
18 credit card is on file."

19 Do you see that?

20 A. I don't see anything. It just said
21 from me to my number, Canal, Robert De Niro,
22 date 26/03/17, 11:56 a.m. Message, "my credit
23 card is on file." But there are no expenses
24 here. No nothing.

25 Q. I understand.

1 You don't dispute that Canal credit
2 card under Ms. Robinson's name was on file at
3 Paola's, right?

4 A. No, no, I don't.

5 Q. And at times, meals that you had at
6 Paola's were charged to the Canal credit card
7 under Ms. Robinson's name; isn't that right?

8 A. When I would ask her to get
9 something to have it delivered to the house or
10 something like that. Normally I paid for it
11 with my own credit card when I go there, which
12 was most of the time.

13 I didn't order take-out that much
14 from there, but I did at times.

15 MR. SANFORD: All right.

16 Let's take a look at ROBINSON
17 5720, and this is exhibit -- what's the
18 next exhibit here, 126.

19 (Document bearing Bates
20 stamp Nos. ROBINSON 5720 was marked
21 as Plaintiff's Exhibit 126 for
22 identification, as of this date.)

23 MR. SANFORD: And let's go off
24 the record.

25 THE VIDEOGRAPHER: The time is

1 11:51 and we are going off the record.
 2 (Whereupon, at 11:51 o'clock
 3 a.m., a recess was taken until 11:52
 4 o'clock a.m.)

5 THE VIDEOGRAPHER: The time is
 6 11:52. We are back on record.

7 BY MR. SANFORD:

8 Q. All right.

9 Have you had a chance, Mr. De Niro,
 10 to review what's been marked as Exhibit 126?

11 A. Well, it just says from me again,
 12 like the others. My number, Canal, Robert
 13 De Niro, date 9/03/17, 7:13 p.m. That's another
 14 meal at night, dinner time.

15 Message, paid for, paid for Paola's,
 16 she says, but there's no -- there's no amount
 17 here. There's no nothing.

18 Q. Okay.

19 So Ms. Robinson paid for your meal
 20 at Paola's in that instance, right?

21 MR. DROGIN: Objection to form.

22 A. Apparently.

23 BY MR. SANFORD:

24 Q. I'm sorry, I couldn't hear over your
 25 counsel.

1 A. No, but you're saying I paid for
 2 them for meals that I had.

3 Q. Well, we have already established
 4 that.

5 A. Now you're going to say she did work
 6 and therefore she charged these meals to her.

7 Q. Right.

8 A. That's fine. I never authorized
 9 those. She never -- if she asked me, I might
 10 have said yes.

11 But I don't even see what those
 12 meals are. She might have had friends, for all
 13 I know. Let me see what the amount is. Let me
 14 see who it is for.

15 Q. All right.

16 At times Ms. Robinson would pick up
 17 food and supplies for you from Whole Foods,
 18 right?

19 A. I think from time to time, yes.

20 Q. And at times Ms. Robinson would pick
 21 up food for you from Dean & DeLuca, right?

22 A. I'm not so sure about Dean & DeLuca
 23 unless I just forgot.

24 Q. Ms. Robinson was authorized to
 25 charge working meals from Whole Foods to the

1 A. Apparently she paid for that. But I
 2 don't know what it is. I don't know what the
 3 amount is.

4 Q. I understand.

5 And Ms. Robinson paid for your meals
 6 at Paola's in other cases too, didn't she?

7 A. Yes, supposedly, yes.

8 Q. Do you have any factual basis to
 9 dispute that some of the Paola's charges that
 10 appeared on the Canal card under Ms. Robinson's
 11 name were for meals for you and your family?

12 A. Yes, I somehow had a dream that --
 13 no, I was made aware that maybe she paid for
 14 meals for herself too.

15 Now, why would I be looking at this
 16 thing which has no record of any payments of any
 17 kind other than that she paid for it? There's
 18 no number. There's no amount. There's no
 19 people. There's no -- there's no nothing. So
 20 what does this say?

21 Q. Well, Ms. Robinson sometimes worked
 22 in the evenings, correct?

23 A. I could say that at times, yes.

24 Q. And when she worked in the evenings
 25 for you, she ate dinner at times?

1 Canal American Express, right?

2 MR. DROGIN: Objection to the
 3 form.

4 You can answer.

5 A. That's a lunch thing maybe they did.
 6 Again, that's something I wasn't aware of; where
 7 they get the meals, where they pick them up,
 8 this and that.

9 Again, the honor system for her to
 10 do the right thing, whatever meals she's
 11 ordering for whoever was working in the day or
 12 at night, yes.

13 BY MR. SANFORD:

14 Q. Ms. Robinson was authorized to
 15 charge her working meals from Dean & DeLuca to
 16 the Canal American Express, right?

17 A. I don't remember Dean & DeLuca. I
 18 don't remember that, no.

19 But I'm more concerned about these
 20 because I don't see any numbers. I don't see
 21 anything here with Paola's.

22 Am I not entitled to see numbers,
 23 what she paid for, especially if they're
 24 supposed to be for me or even for her?

25 Q. At the end of the day, it didn't

1 matter to you where a working meal would be
2 purchased from, right?

3 MR. DROGIN: Objection to the
4 form.

5 You can answer.

6 A. It didn't matter to an extent. But
7 she had to be not abusing that.

8 Again, I was always assuming -- and
9 I shouldn't maybe have assumed that, but I
10 assumed that she was doing the right thing.

11 BY MR. SANFORD:

12 Q. What would be the right thing, in
13 your view?

14 A. Buying meals that are within reason
15 and not ridiculous. And I'm not saying she did
16 that, but...

17 Again, I just get back to this. Why
18 am I not seeing anything here specific? There's
19 nothing.

20 Q. What is within reason for you?

21 A. Well, you know, within reason of a
22 meal for dinner, for lunch. You know, I'm not
23 going to be looking at the bills, what did they
24 do, this and that, unless my accountants bring
25 it to my attention. "Look, you know, they spent

1 seeing any numbers here. Why am I not seeing
2 any numbers?

3 BY MR. SANFORD:

4 Q. All right.

5 Well, maybe if we have time, we'll
6 go back and show you some numbers.

7 A. I would like to see them.

8 Q. I'm showing you what we have. If we
9 can dig up --

10 A. That's not very much. That's not
11 very much. It's not anything.

12 Q. All of your accountants have all of
13 the receipts. You're free to spend your time
14 looking at every single meal she charged and to
15 determine whether or not you think it is
16 legitimate, but you haven't done that -- let me
17 finish.

18 You haven't done that, have you?

19 A. No, I haven't. They're going to
20 have to do that, and I expect them to do that.
21 But I also expect her to send receipts to them
22 for what she paid for. That's common sense, and
23 we all know that.

24 Q. Do you have any basis to dispute
25 that some of the charges that appeared on

1 this for dinner and there were eight people,"
2 and dah, dah, dah. "Are you aware of this?"
3 Then they would point it out to me.

4 But -- and maybe they had over the
5 years. I can't remember that. But what bothers
6 me is I see that she put her credit card with
7 Paola's, but I don't see what she paid for. Am
8 I not entitled to see that?

9 Q. Sixty dollars was a reasonable
10 dinner, right?

11 A. Well, you're telling me, but I want
12 to see it. I want to see it in the receipt.

13 Q. No, I'm asking you --

14 A. But isn't she supposed to keep the
15 receipts and keep them on file and turn them in
16 to my accountant? And I don't see any of that.

17 Q. Was \$60 a reasonable amount for
18 dinner, sir?

19 MR. DROGIN: Objection to the
20 form.

21 A. Well, I don't even know that,
22 whatever the reasonable amount would be. If it
23 is 60 or 50 or even 70 or whatever for one
24 person, I don't know.

25 But what bothers me is I am not

1 Canal's American Express from Dean & DeLuca were
2 charges for your home?

3 A. Well, when I'm not shown what they
4 are, how can I confirm that they're for me or
5 somebody else? I don't know what it is.

6 Q. You have no idea, right?

7 A. No.

8 Q. Okay.

9 A. I want verification. I'll verify it
10 or I'll say no, that's not for me. And I can
11 say yes, it is for somebody who ate a meal,
12 fine, it is within reason, or I can say wait a
13 minute, what is this? I don't have anything.

14 So I don't know what the point is of
15 showing me her credit card. Who cares? It is
16 my phone number. It is not even her credit
17 card.

18 Q. Do you have any basis to dispute
19 that some charges on American Express from Dean
20 & DeLuca and Whole Foods were authorized charges
21 for working meals?

22 A. I possibly could, yes, because I'm
23 not seeing anything.

24 Q. It's possible. Again, I'm not
25 asking about would have, could have, should

1 have.

2 Let me finish, sir. Again, this is
3 just a matter of respect and courtesy to the
4 court reporter. Even if you don't respect me.
5 I understand you might be angry. It is not
6 about me. It is about the court reporter and
7 allowing her to do her job. So let's allow her
8 to do her job.

9 My question is: Do you have any
10 basis to dispute that some charges that appeared
11 on Canal's American Express from Whole Foods and
12 Dean & DeLuca were authorized charges for
13 working meals?

14 MR. DROGIN: Objection to the
15 form.

16 A. I would have to say, I would have to
17 say yes.

18 BY MR. SANFORD:

19 Q. What's your basis to dispute that?

20 A. Because I'm not seeing anything.
21 I'm not able to verify.

22 Q. All right.

23 A. So what does that mean?

24 Q. But you could have verified with
25 your accountants at any time in the last three

1 improper?

2 A. Well, now that you --

3 MR. DROGIN: Objection.
4 Objection to the form.

5 A. Now that you have brought it up in
6 this way, yes, I would want to see because I
7 don't know what the point of showing me this.

8 It is my phone number, my name, me.
9 That could be anybody. It is not even Chase
10 Robinson. I don't know -- there's not even a
11 credit card. There's nothing. So I don't know
12 what the point is.

13 BY MR. SANFORD:

14 Q. Can I get your commitment that
15 sometime over the course of the next days
16 between now and the next deposition we're going
17 to have together, you'll review all the charges
18 and come prepared to answer questions?

19 A. I'll tell you this, my accountants

20 --

21 MR. DROGIN: Hold on. Hold on.
22 Stop. Stop. He's not going to direct
23 what you're going to do after the
24 deposition.

25 MR. SANFORD: I didn't direct

1 years.

2 You haven't done that, have you?

3 A. No, I haven't. But what are you
4 saying? What are you saying for Chase Robinson?
5 I don't understand what the point of all this
6 is.

7 Q. Are you saying you need to review
8 each individual charge in detail to ascertain
9 whether -- let me finish.

10 Mr. De Niro, you're doing that thing
11 again.

12 A. Oh, go ahead.

13 Q. You're doing that thing again. I'm
14 going to ask you to be respectful of the court
15 reporter.

16 MR. DROGIN: Well, in fairness,
17 you're both talking over each other.

18 MR. SANFORD: Well, I was in the
19 middle of talking and he interrupted me.

20 A. Okay. You finish and I will say
21 what I have to say.

22 BY MR. SANFORD:

23 Q. Is it your testimony, sir, that you
24 need to review each individual charge in detail
25 to ascertain whether the charge was proper or

1 anything. I asked him a question.

2 MR. DROGIN: You're asking for
3 his commitment. You're not going to get
4 his commitment because he's going to
5 confer with counsel.

6 BY MR. SANFORD:

7 Q. Well, Mr. De Niro, I'm just asking
8 you whether it is something you would be willing
9 to do, look at the charges and then come
10 prepared to answer questions about the charges
11 at the next deposition?

12 A. Yes, absolutely. You know what I
13 would do is my accountants would look at them
14 and they would pick out the ones that are
15 questionable or -- not even questionable; that
16 they want an answer from me about.

17 And I would say, "Okay, that's okay.
18 That I don't understand. Why is this there?
19 That maybe."

20 That I'm entitled to, right, since
21 you're bringing the subject up in the first
22 place, like she did something.

23 All you're saying -- yes, we know
24 she paid for things for me. That we know. But
25 now we want to see what she paid for or did she

1 piggyback something on with herself, which is
2 not right.

3 Q. Yes, but the thing you're committing
4 to doing in the next few days is not something
5 you ever did up until now, right, with your
6 accountants?

7 A. You're forcing me --

8 MR. DROGIN: Hold on. Hold on.

9 Objection to the form.

10 Go ahead.

11 BY MR. SANFORD:

12 Q. You haven't done -- Mr. De Niro, so
13 you're clear about my question, what you're
14 committing to doing now in the next few days,
15 which I appreciate and I would love you to do,
16 you haven't done up until now, have you?

17 A. No, I haven't.

18 MR. DROGIN: Objection to the
19 form. The witness is not committed to
20 do anything.

21 BY MR. SANFORD:

22 Q. All right.

23 Let's talk about Taxi Driver. Not
24 the taxi driver --

25 THE COURT REPORTER: I'm sorry to

1 interrupt but we lost Mr. Drogin.

2 MR. SANFORD: That's okay. If we
3 lost him, that's good. That's good.
4 Oh, he's back.

5 MR. DROGIN: I'm back.

6 MR. SANFORD: All right.

7 I'm just joking, Laurent. We'd
8 love to have you stay with us.

9 MR. DROGIN: Thank you. We can
10 have dinner at Paola's.

11 MR. SANFORD: I'd like that on
12 Bob De Niro.

13 THE WITNESS: Listen, if this was
14 resolved in a sensible way, I'll buy
15 everybody dinner.

16 MR. SANFORD: I look forward to
17 it. I'm going to keep you to that
18 commitment.

19 THE WITNESS: Okay.

20 BY MR. SANFORD:

21 Q. All right.

22 Taxi Driver -- I would like to talk
23 about the movie, but instead, unfortunately,
24 we're going to talk about the book.

25 A. Okay.

1 Q. All right.

2 Toukie Smith is your former romantic
3 partner and the mother of your twins, right?

4 A. Yes.

5 Q. Can you describe for me all the work
6 that Ms. Robinson performed to assist Ms. Smith
7 in 2018 and 2019?

8 A. No, I can't describe all that. She
9 did certain things and then it just sort of
10 didn't continue anymore.

11 Q. Do you remember what those certain
12 things were? Do you remember any of them?

13 A. I was trying to help her out with
14 kind of a nurse and this and that and making
15 sure she was okay because of her medical
16 condition.

17 Q. What was Ms. Smith's medical
18 condition?

19 A. [REDACTED]

20 Q. And Ms. Robinson helped with a
21 nurse, is that what your testimony is?

22 A. In some way. I don't know the
23 details. That was a vague thing. I just said
24 see if you can help in this way. I think with
25 Robin Chambers too.

1 Q. And what was Ms. Chamber's
2 condition?

3 A. I don't know the details. I just
4 said see how you can handle whatever Toukie
5 needs.

6 Q. Okay.

7 So Ms. Robinson was to assist
8 Ms. Toukie with her needs?

9 A. Yes.

10 Q. And Ms. Robinson was to assist
11 Ms. Chambers with her needs?

12 MR. DROGIN: Objection to the
13 form.

14 A. I'm not a hundred percent sure how
15 it was, but something along those lines.

16 BY MR. SANFORD:

17 Q. Okay.

18 You directed Ms. Robinson to travel
19 down to Miami to clear out Ms. Smith's apartment
20 to prepare it for sale, didn't you?

21 A. That part, yes.

22 Q. Okay.

23 And Ms. Robinson and Ms. Chambers
24 were both helping Ms. Smith with Ms. Smith's
25 needs, right?

1 A. You mean in New York. Ms. Chambers
2 didn't go down to Florida, as far as I know.

3 Q. No, but just generally in New York.

4 A. Yes, for a bit, and that was it.

5 Q. And you directed Ms. Robinson to
6 clear out Ms. Smith's storage units in Miami,
7 didn't you?

8 A. I did, but she couldn't because she
9 wasn't technically allowed into the storage
10 unit, as far as I remember.

11 Q. You directed Ms. Robinson to pay
12 bills for Ms. Smith, didn't you?

13 A. I think that's what she -- I wanted
14 her to do if she could do it.

15 Q. And you directed Ms. Robinson to
16 locate and collect Ms. Smith's bills, didn't
17 you?

18 A. I could have.

19 Q. And you directed Ms. Smith to speak
20 to Ms. Robinson when she had issues with her
21 bills, didn't you?

22 A. When Robinson had issues with the
23 bills or Toukie had issues with the bills or
24 both of them?

25 Q. Or both of them.

1 purchase flowers and bring them to your former
2 partner when Ms. Robinson met with her, didn't
3 you?

4 A. I don't remember if I specifically
5 asked her to do that, but she might have felt
6 she is going to do it and brought it up to me
7 and I said yes, that's okay.

8 Q. In 2018, Ms. Smith was undergoing
9 [REDACTED]

10 A. Right.

11 Q. And there was a time in 2018 when
12 Ms. Smith was planning to undergo [REDACTED]
13 [REDACTED] in Los Angeles, right?

14 A. There was some talk of it, yes.

15 Q. And at that time, Ms. Smith was [REDACTED]
16 [REDACTED]

17 A. Part of the time, yes.

18 Q. Do you remember asking Ms. Robinson
19 to look for hotels in Los Angeles for Ms. Smith?

20 A. I'm not sure.

21 Q. In March of 2018, you reached out to
22 Ms. Robinson to identify a hotel that would
23 accommodate Ms. Smith when she was undergoing
24 for [REDACTED]

25 Do you remember that?

1 A. I could have. Yes.

2 Q. Okay.

3 And you directed Ms. Robinson to
4 coordinate with Ms. Smith's support staff,
5 right?

6 A. Yes, and Robin Chambers too.

7 Q. You directed Ms. Robinson to pay for
8 Ms. Smith's doctors, didn't you?

9 A. I might have. I don't remember.

10 Q. You directed Ms. Robinson to check
11 on prescriptions and give insurance information
12 for Ms. Smith, didn't you?

13 A. I could have, yes.

14 Q. You directed Ms. Robinson to vet a
15 full-time housekeeper for Ms. Smith, didn't you?

16 A. Yes.

17 Q. You directed Ms. Robinson to help
18 Ms. Smith with her home needs, didn't you?

19 A. I think I did, yes.

20 Q. You directed Ms. Robinson to speak
21 with Ms. Smith when she called and to help her
22 with her needs, didn't you?

23 A. As far as I remember, something
24 along those lines.

25 Q. You directed Ms. Robinson to

1 A. There's something along the lines
2 with this -- the logic of this or the sequence
3 of events where -- and where what she is saying
4 about looking for a hotel doesn't jive with what
5 she was actually doing, and it somehow conflicts
6 with the Taxi Driver stuff. Something there did
7 not add up.

8 Q. Well, we'll get --

9 A. It's like her story changed or
10 something. Once the Taxi Driver thing --

11 THE VIDEOGRAPHER: Let's go off
12 the record. The time is 12:10 and we'll
13 go off the record.

14 (Whereupon, at 12:10 o'clock
15 p.m., a recess was taken until 12:28
16 o'clock p.m.)

17 THE VIDEOGRAPHER: The time is
18 12:28. We are back on record.

19 BY MR. SANFORD:

20 Q. All right.

21 Mr. De Niro, you know you're still
22 under oath?

23 A. Yes.

24 Q. All right.

25 In March of 2018, you reached out to

1 Ms. Robinson to identify a hotel that would
2 accommodate Ms. Toukie Smith when she was
3 undergoing [REDACTED],
4 correct?

5 A. I'm not sure about that.

6 Q. You're not sure because you don't
7 remember?

8 A. I don't remember, but I have, I have
9 some thoughts about it.

10 Q. Well, well, I want to know what you
11 know. Again, this is a deposition about what
12 you know.

13 So I just want to know if you
14 remember having a conversation with Ms. Robinson
15 to identify a hotel that would accommodate
16 Ms. Toukie Smith when she was [REDACTED]
[REDACTED]

18 A. Okay. I can tell you what I know.

19 I know that the hotel that Toukie
20 was supposed to go out to was already booked two
21 weeks before Chase had gone to do anything.

22 Chase -- that's the same trip where
23 she was supposed to go out for the Taxi Driver
24 books and stayed at the Montague. Now it is
25 called the Maybourne Hotel.

1 You don't remember one way or
2 another?

3 A. No.

4 Q. Okay.

5 You asked Ms. Robinson to travel to
6 Los Angeles to look into hotels for Ms. Smith,
7 didn't you?

8 A. No, I don't remember that because --

9 Q. It might have happened?

10 A. She was supposed to have gone for
11 Taxi Driver. Now all the sudden she is changing
12 it to she went out to look for hotels that I
13 asked her for.

14 Q. Okay.

15 We're going to talk about Taxi
16 Driver in a minute, sir. I just want to know --
17 I'm just focusing on Ms. Smith for a second.

18 Do you recall having a conversation
19 regarding -- with Ms. Robinson regarding her
20 traveling to LA to look into hotels for
21 Ms. Smith?

22 A. No.

23 Q. Okay.

24 Do you recall wanting Ms. Robinson
25 to travel to LA -- strike that.

1 She stayed at the Montague in a room
2 for \$1,000 a night. She had a rental car and
3 she used Uber. That's what I understand.

4 Q. Okay.

5 A. So I don't know how --

6 Q. So, is your answer "no"?

7 A. My answer is something funny going
8 on, yes.

9 Q. No, so let me repeat the question,
10 sir, because I just want to make sure we have a
11 dialogue that makes sense.

12 All right?

13 A. Yes.

14 Q. In March of 2018, you reached out to
15 Ms. Robinson to identify a hotel that would
16 accommodate Ms. Smith when she was [REDACTED]
[REDACTED]; isn't that
18 right?

19 MR. DROGIN: Objection to the
20 form. Objection to the form.

21 Go ahead.

22 A. Well, I don't know if I did. I
23 don't remember that.

24 BY MR. SANFORD:

25 Q. Okay.

1 Now, let's talk about -- let me ask
2 you this: Can you describe all the
3 communications you had with Ms. Robinson about
4 her trip to Los Angeles in mid-March 2018?

5 A. No.

6 Q. Ms. Robinson hoped to use the trip
7 to LA in March of 2018 to coordinate receiving
8 Taxi Driver books and delivering them to people
9 in Los Angeles -- well, strike that.

10 Let me ask you this: You don't
11 recall Ms. Robinson ever asking you to take a
12 trip to Los Angeles, correct?

13 A. Well, she would have suggested I can
14 go out. She would say -- I'm speaking as if I'm
15 her. "I can go out there and bring the Taxi
16 Driver books out there or send them out ahead of
17 time and then I'll deliver them to the people
18 who they have to be delivered to."

19 Q. Well, the primary purpose of
20 Ms. Robinson's trip to LA in March of '18 had to
21 do with scouting a hotel for Toukie Smith,
22 right?

23 MR. DROGIN: Objection to the
24 form.

25 Go ahead.

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1 A. Not that I remember.

2 MR. DROGIN: Are you going to
3 keep asking that question different ways
4 until you get the answer you want?

5 BY MR. SANFORD:

6 Q. Do you remember speaking with or
7 communicating with Ms. Robinson in any way
8 during her trip to LA in March of '18?

9 A. No.

10 Q. Do you remember Ms. Robinson saying
11 that she had to return early from that trip due
12 to a snowstorm that was coming into the East
13 Coast?

14 A. No.

15 Q. Do you remember approving
16 Ms. Robinson coming back early due to the
17 snowstorm?

18 A. No.

19 Q. You don't recall either way, right?

20 A. No.

21 Q. That is to say you don't recall one
22 way or another?

23 A. No.

24 Q. Do you remember speaking with or
25 communicating with Ms. Robinson about her trip

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1 employees' air travel by using SkyMiles --

2 A. Yes.

3 Q. -- generally provided by corporate
4 credit cards, correct?

5 A. Right.

6 Q. Do you remember which employees' air
7 travel that Canal would pay for using SkyMiles?

8 A. No, I don't, other than Robinson's.
9 I don't know who else.

10 Q. But Robinson for sure, yes?

11 A. Yes.

12 Q. You didn't generally use SkyMiles to
13 book your own flights, right?

14 A. Well, I might have even had to use
15 it once or twice. I don't know. I don't
16 remember.

17 Q. But you didn't generally use
18 SkyMiles to book flights for you or your family,
19 right?

20 A. No.

21 Q. When you say no, you mean it is
22 correct what I'm saying?

23 A. Yes.

24 Q. Okay.

25 And it was common for you to charter

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1 after she returned to New York City?

2 A. I don't.

3 Q. Ms. Robinson generally arranged her
4 travel around your schedule, didn't she?

5 A. Pretty much, except when she wanted
6 to go to Spain or England or something like
7 that, you know.

8 Q. I'm sorry?

9 A. Kidding. I'm joking. I'm half
10 joking.

11 Q. Well, she generally arranged her
12 travel around your schedule, right?

13 A. That's -- that should have been what
14 it is, what the situation is.

15 Q. That's, in fact, what it was,
16 correct?

17 A. I, I -- yes, I guess.

18 Q. Ms. Robinson at times had to change
19 or cancel her trips due to your schedule, right?

20 A. That could be, yes.

21 Q. Ms. Robinson had a general practice
22 of keeping you informed of her travel plans;
23 isn't that fair to say?

24 A. She had to, yes, of course.

25 Q. And at times Canal would pay for its

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1 a private plane for your flights, right?

2 A. Well, I would try, or if I could get
3 someone to pick it up for whatever business
4 thing would be they could justify to do that.
5 Otherwise, you know, sometimes I would pick it
6 up myself, yes.

7 Q. And if you flew commercial, you
8 would typically pay for the tickets rather than
9 using miles, right?

10 A. I don't know about that. No, I
11 think if -- I tried to use miles too. Why
12 shouldn't I?

13 Q. I'm not asking again, should have,
14 would have, could have.

15 I'm asking you to the extent you
16 remember, for the most part when you flew
17 commercial, you would typically pay for the
18 tickets rather than using miles, right?

19 MR. DROGIN: Objection to the
20 form.

21 A. That doesn't rule out that I would
22 have told Robinson that I would use -- let me
23 use some of those air miles.

24 Why should I put this money, pay for
25 these tickets when I can use the air miles?

1 BY MR. SANFORD:

2 Q. But again, I'm not asking what would
3 have happened as you just said. I'm asking you
4 what did happen.

5 So if you flew commercial, generally
6 speaking, generally speaking, as a matter of
7 fact, you would typically pay for the tickets
8 rather than using SkyMiles; isn't that right?

9 A. I don't -- when you say rather than,
10 I wasn't against using SkyMiles.

11 Q. I'm not, I'm not asking you that.
12 I'm just asking you, you typically
13 would pay for the tickets?

14 A. At times, yes, I did pay regularly,
15 but I wasn't against the other. And I just
16 don't remember.

17 Q. Okay.

18 MR. SANFORD: I'm going to share
19 a document with you in the chat that is
20 Bates stamped CANAL 38698, and let's go
21 off the record while you have the
22 opportunity to review it.

23 Are we off the record?

24 THE VIDEOGRAPHER: The time is
25 12:38. We are going off the record.

1 (Whereupon at 12:38 o'clock
2 p.m., a recess was taken until 12:39
3 o'clock p.m.)

4 THE VIDEOGRAPHER: The time is
5 12:39. We are back on record.

6 BY MR. SANFORD:

7 Q. All right.

8 You understand you're still under
9 oath, Mr. De Niro?

10 A. Yes.

11 Q. All right.

12 MR. SANFORD: You have been shown
13 CANAL 38698. We can mark that as 127.
14 Exhibit 127.

15 (Document bearing Bates
16 stamp No. CANAL 38698 was marked as
17 Plaintiff's Exhibit 127 for
18 identification, as of this date.)

19 BY MR. SANFORD:

20 Q. Did you have a chance to review
21 that?

22 A. Yes.

23 Q. Okay.

24 Do you know what the document is?

25 A. What it is, it is an exchange

1 between me and Robinson about flights and air
2 miles, I guess. Yes.

3 Q. It is dated July 16, 2014?

4 A. Right.

5 Q. And here she is clearing her
6 individual flight with you, right?

7 MR. DROGIN: Objection to the
8 form.

9 You can answer it.

10 BY MR. SANFORD:

11 Q. She's getting your permission?

12 MR. DROGIN: Same objection.

13 BY MR. SANFORD:

14 Q. You can answer.

15 A. What do you want from me?

16 Q. Well, I mean, Ms. Robinson is asking
17 -- what is Ms. Robinson doing in this e-mail?

18 What is she asking you about?

19 A. She's asking me -- was scheduled so
20 we can plan out the rest of the summer. I'm
21 hoping to not really fly in August as Jackie
22 will be caught up by then. Jaquen, Jaquen. I
23 have a bit more flexibility than Dan.

24 What I notice is when she says "I
25 would like to be in LA this weekend through

1 Wednesday, would this be okay with you? I would
2 leave Friday for LA". I mean, again, I'm
3 accommodating her. She's asking me. Usually
4 I'm okay with that. Why does she have to be out
5 there that time? Is it something that I asked
6 her to do? She would like to go out there.
7 Again, I'm accommodating her. Is she going out
8 for a party or what? There's nothing in
9 reference to the reason that she's going out
10 there which she's supposed to be for something
11 that I need.

12 Q. All right.

13 So she asked you here, she asked you
14 about her plans to LA and you wanted -- you
15 asked her how are you doing tickets, right?

16 A. Uh-hum.

17 Q. And she responds by saying
18 "SkyMiles/purchase, depending on what we have
19 and what is the cheapest way to do it. Let me
20 know if you would like to discuss or change
21 dates".

22 So she's getting, she's getting your
23 guidance here, correct?

24 A. Right.

25 Q. Did there come a time when this

1 changed so that Ms. Robinson was not required to
2 clear each individual flight with you?

3 MR. DROGIN: Objection to the
4 form.

5 A. I don't remember. All I know in
6 this e-mail exchange is that she, even though
7 she's asking me, let me know if you would like
8 to discuss the change date. She is saying I
9 would like to be -- I would think it would be,
10 what is the best time for me to be in there for
11 what we have to do.

12 BY MR. SANFORD:

13 Q. Well, there came a time, didn't
14 there, when you know longer required Ms.
15 Robinson to run by you each individual flight
16 she was purchasing with SkyMiles; isn't that
17 fair to say?

18 A. But she is running it by me now.
19 She said I would like to be in LA this
20 Wednesday.

21 MR. DROGIN: Objection to form.

22 BY MR. SANFORD:

23 Q. I'm sorry?

24 A. She is running it by me now. She
25 said "I would like to be in LA this weekend

1 during her employment when it came to using the
2 SkyMiles?

3 A. Well, once she asked me if she could
4 --

5 MR. DROGIN: Objection to the
6 form.

7 Go ahead.

8 A. One time she asked me if she could
9 put some mileage on. She said "Can I just tack
10 some miles on for me when I need them?" I said
11 "Yes, well, whatever you need". And then, lo
12 and behold I see later and before she quit, she
13 tacked on a couple million miles to her account.
14 So can she explain that?

15 BY MR. SANFORD:

16 Q. Beginning in 2015, you gave Ms.
17 Robinson use of the SkyMiles for personal travel
18 as a perk of her position at Canal; didn't you?

19 A. I don't remember that, no.

20 Q. It could have happened, you just
21 don't remember?

22 A. I don't care. That's maybe what she
23 told you. I don't remember it.

24 Q. You don't remember it one way or
25 another, correct?

1 through Wednesday".

2 Q. Right.

3 That's July 16, 2014.

4 I'm asking you whether you there
5 came a time after 2014, when you no longer
6 required Ms. Robinson to run by you each
7 individual flight she was purchasing with
8 SkyMiles?

9 MR. DROGIN: Objection to the
10 form.

11 A. Well, if she's taking a trip she
12 would have to run that by me. And if it is with
13 SkyMiles, I have to kind of know what's going
14 on.

15 BY MR. SANFORD:

16 Q. What do you mean you would have to
17 kind of know? You told her you had to kind of
18 know?

19 A. Yes, however you want to interpret
20 kind of know. It is I want to know what's
21 happening. It is her obligation to explain to
22 me that she's going to go here or there and how
23 she is paying for it or how I'm paying for it.

24 Q. Can you tell me everything you
25 recall discussing with Ms. Robinson at any time

1 A. I don't remember that she took that
2 as a perk. I don't remember. If she can prove
3 it, fine. I don't remember it.

4 Q. It could have happened, you just
5 don't remember one way or another, right?

6 A. If I say could have, then it is
7 leaving it open for something else. I would say
8 I don't remember.

9 Q. I just want to understand what your
10 testimony is.

11 A. I'm saying I am suspect, suspect of
12 this kind or suspecting of this, this -- I don't
13 know whatever you're saying, but this request.
14 I didn't just let her go. I told you she said
15 let me have some mileage so I can make these
16 trips. I said okay. That doesn't mean she
17 doesn't tell me what she's doing. She has to
18 tell me. She says it later just before she quit
19 that I have to go to London. I cut off my trip
20 to London because of us and you dah, dah, dah.
21 So she has to tell me what she's doing.

22 Q. During her deposition, Ms. Chambers
23 testified that Ms. Robinson's ability to use
24 SkyMiles was a great perk for her.

25 You have no basis -- let me finish.

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1 You have no basis to dispute Ms.
2 Chamber's testimony, do you?

3 A. No.

4 MR. DROGIN: Objection to the
5 form.

6 A. That's what Chase Robinson told her.
7 Robin Chambers didn't verify that with me.
8 Maybe she should have and called me and said by
9 the way, I just want you to know, because she
10 was sort of quarterbacking this whole thing with
11 Chase -- kibbitzing with her instead of maybe
12 once in a while saying I just want you to know
13 that I'm talking. Is that okay, first of all?
14 And this is the advice that I'm giving her or
15 should I stay out of it? Never did she do
16 anything like that.

17 BY MR. SANFORD:

18 Q. I'm going to show you a document in
19 the chat that's Bates stamped CANAL 1433 through
20 1437.

21 A. Okay.

22 MR. SANFORD: Which is a March 5,
23 2018 e-mail thread between Ms. Robinson
24 and you and Michael Tasch. And we're
25 going to mark that as Exhibit 128.

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1 Sorry.

2 Q. Take your time.

3 A. Yes, I see what she's saying.

4 MR. DROGIN: Wait. There's no
5 question. Just let him ask a question.

6 A. I'm sorry, I didn't realize it was
7 this long. I'm still reading.

8 BY MR. SANFORD:

9 Q. Okay.

10 I want to give Mr. De Niro an
11 opportunity to review the document and he's
12 reading it.

13 MR. SANFORD: Why don't we go off
14 the record while Mr. De Niro --

15 THE WITNESS: All right. Just
16 give me a minute. I'm almost done.

17 THE VIDEOGRAPHER: We'll give you
18 a few more seconds, otherwise we'll go
19 off the record.

20 Why don't we go off the record.

21 THE WITNESS: All right. I'm
22 almost done but whatever.

23 MR. SANFORD: Let's go off the
24 record. I want to give you the time you
25 need.

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1 Let's go off the record while you have
2 an opportunity to review.

3 THE WITNESS: Okay.

4 (Document bearing Bates
5 stamp Nos. CANAL 1433 through 1437
6 was marked as Plaintiff's Exhibit
7 128 for identification, as of this
8 date.)

9 THE VIDEOGRAPHER: The time is
10 12:46. We are going off the record.
11 (Whereupon, at 12:46 o'clock
12 p.m., a recess was taken until 12:47
13 o'clock p.m.)

14 THE VIDEOGRAPHER: The time is
15 12:47. We are back on record.
16 BY MR. SANFORD:

17 Q. All right.

18 Mr. De Niro, you understand you're
19 still under oath?

20 A. Yes, sir.

21 Q. You've had an opportunity to review
22 what's been marked as Exhibit 128?

23 A. Yes.

24 Q. Do you recognize this document?

25 A. Yes, I'm just looking at it again.

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1 THE VIDEOGRAPHER: The time is
2 12:49. We're going off the record.
3 (Whereupon, at 12:49 o'clock
4 p.m., a recess was taken until 12:50
5 o'clock p.m.)

6 THE VIDEOGRAPHER: The time is
7 12:50. We are back on record.

8 BY MR. SANFORD:

9 Q. Mr. De Niro, you know you're still
10 under oath?

11 A. Yes.

12 Q. All right.

13 You've had an opportunity to review
14 what's been marked as Exhibit 128?

15 A. I think that Tasch was just being a
16 little cautious about what was happening and
17 what was requested, as he should be.

18 Q. Well, I'm going to ask you
19 questions.

20 But, first of all, have you had an
21 opportunity to review what's been marked as
22 Exhibit 128?

23 A. To the best of my ability, yes. I'm
24 trying to figure it out.

25 Q. So Ms. Robinson is communicating

1 with Michael Tasch.

2 Michael Tasch is who?

3 A. My accountant.

4 Q. Okay.

5 So Ms. Robinson is communicating
6 with your accountant Michael Tasch regarding an
7 issue she's having transferring reward points
8 from the Amex card, correct?

9 A. Right.

10 Q. And Michael Tasch -- and then you
11 respond by saying "Michael, why isn't this
12 done?"

13 Right?

14 A. Right.

15 Q. Okay.

16 So, when you wrote "Why isn't this
17 done," what were you referring to?

18 A. Taking care of with her, but what I
19 --

20 Q. No, I'm just asking the question.

21 A. And I'm saying, why wasn't it taken
22 care of, but at the same time -- and I trusted
23 her. She was asking and I thought maybe he was
24 being over protective, but it seemed to me that
25 she wanted to get these, she wanted access --

1 and maybe he had a moment that he thought maybe
2 we have to question this a little more. I don't
3 see further e-mails after this. I don't see his
4 response to me. I don't see his response even
5 to her. I don't see anything.

6 Where is that?

7 Q. Okay.

8 Can we take it one step at a time so
9 we have a clean record. I just want to ask you
10 simple questions.

11 The first question, you wanted this
12 issue to be resolved so that Ms. Robinson could
13 transfer reward points to her account, correct?

14 A. I wanted it resolved, but I didn't
15 want it resolved in a way that was shady.

16 Q. I didn't ask that. I'm asking you
17 --

18 A. I'm telling you. That's what I was
19 doing.

20 Q. We'll get to that.

21 A. Michael doesn't answer or we don't
22 have the record after this, and why shouldn't
23 we, then there's something wrong.

24 Q. I promise you, I promise you --

25 A. Maybe you want to show it to me.

1 again, I trusted her. She's asking for this and
2 I'm saying it is okay. Why don't we do it and I
3 don't know what Michael's final response was,
4 but I was, you know -- she wanted to get it. I
5 said okay. Let's get it. What's the problem?

6 Q. Okay.

7 Ms. Robinson wanted to get what
8 exactly?

9 A. "Could you send a pin for my card?
10 Bob's card, as well as Toukie's." And if she
11 gets the pin, what does that mean, she has
12 access from then on to my card and Toukie's as
13 well? If it means that, I'm sure he was being
14 cautious.

15 Q. You said "Michael, why isn't this
16 done?"

17 Why were you referring to?

18 A. When I said that, he was being
19 cautious. I don't know what transpired after
20 that with Michael. So...

21 Q. The bottom line here, sir, is that
22 you wanted the issue to be resolved so Ms.
23 Robinson could transfer reward points, is that
24 correct?

25 A. But I wanted it done if it was right

1 You're saying why isn't this done. But he might
2 say listen, I represent you. I have to cover my
3 ass, too. I'm not going to do it. Even though
4 he won't say it here. I don't know what
5 happened after this. I have no record. Where
6 is it? Even if I'm wrong, I want to see what
7 the answer is.

8 Q. I'm going to give you every
9 opportunity to talk about shadiness. Your
10 dreams. Your dreams about shadiness and
11 everything else.

12 A. Good.

13 Q. I'm just asking a question now about
14 this very narrow issue, which is you wanted Ms.
15 Robinson to be able to transfer reward points to
16 her account as reflected in this exchange,
17 correct?

18 A. Again, let me tell you. You're
19 being literal. Yes, I did say that.

20 Q. All right.

21 And my next question, my next
22 question --

23 A. Can I finish? Can I finish?

24 MR. DROGIN: Let him finish.

25 A. Can I finish?

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1 BY MR. SANFORD:

2 Q. Go ahead, sir.

3 A. I'm saying, I'm showing her that I'm
4 going through the motions, but I'm also -- he
5 knows, he's saying, he's responding in whatever
6 way that would be. He has a reason for not
7 doing this, I guess.

8 Q. All right.

9 And you wanted --

10 A. It is that simple and I trust him
11 more than I trust her because he's being
12 cautious.

13 Q. All right.

14 Well, in this exchange you're saying
15 "Michael, why isn't this done?"

16 You wanted it done, right?

17 A. I literally said that. But, you
18 know, I'm saying why isn't this done. I'm not
19 chastising him. I'm just saying why isn't it
20 done. We have no answer here. When you get him
21 deposed maybe he'll give you the answer, but I
22 don't have an answer here. So I'm saying why
23 isn't it done? It doesn't mean -- he might have
24 a good reason not to do it and I'll have to
25 listen to him.

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1 BY MR. SANFORD:

2 Q. You wanted Ms. Robinson to be able
3 to travel using Canal's miles, right?

4 MR. DROGIN: Objection to form.

5 A. I wanted her as long as it was
6 proper. If Michael had a problem with it, I had
7 to listen to him. He's the back stop. Period.

8 BY MR. SANFORD:

9 Q. Well, Michael -- you're saying
10 Michael was being cautious. He was just being
11 delayed, right?

12 A. No, I don't know what he was. But
13 he wasn't doing it and I'm asking him in a
14 generic -- I don't know if generic is the word,
15 neutral way as I could "Michael, why isn't this
16 being done? Or I could have said "Michael, is
17 there any reason why this is not being done?"
18 But I said why isn't this being done. But he
19 had some reason for not doing it. And I have to
20 wait on that and respect that.

21 Q. All right.

22 We don't want the would have, could
23 have and should have.

24 A. It is not would have, could have,
25 should have. That's what it is. That's his

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1 Q. You wanted Ms. Robinson to be able
2 to use travel --

3 A. It doesn't matter. It doesn't
4 matter. He has a reason and I respect that. I
5 trust that more than I trust because he's being
6 cautious. She just wants what she wants. And
7 I'm sorry, this is called checks and balances.

8 Q. You wanted Ms. Robinson --

9 A. Do you understand? It is the
10 democratic way. Checks and balances.

11 Q. You wanted Ms. Robinson --

12 MR. DROGIN: Can we please stop?
13 Objection to form.

14 BY MR. SANFORD:

15 Q. You wanted Mr. Robinson to travel
16 using Canal miles, right?

17 MR. DROGIN: Objection to the
18 form.

19 We're doing this again. We're
20 asking the same question all these
21 different ways.

22 MR. SANFORD: No, I'm asking a
23 different question. I'm asking a
24 different question.
25

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1 answer.

2 Q. All right.

3 During Ms. Robinson's employment --

4 MR. DROGIN: Counsel, if you
5 don't want the would have, could have,
6 should have, please don't ask him
7 anymore about what happens if she
8 testifies at trial.

9 I agree with you it is
10 inappropriate.

11 BY MR. SANFORD:

12 Q. During Ms. Robinson's employment,
13 Mr. Tasch never raised any concerns to you about
14 Ms. Robinson's use of SkyMiles, did he?

15 A. I don't remember, but he was
16 definitely on -- I don't know if you could say
17 on point, but he never conveyed this to me, but
18 I knew, because he knew what she was doing --
19 constantly trying to question everything, even
20 him, Berdon, everybody. So...

21 Q. You never placed any limit on the
22 amount of reward points or miles Ms. Robinson
23 could use?

24 A. That's not for me to do. I don't
25 know a million miles from two million miles,

1 though I know three or four million miles is too
2 much. She is stealing. She is taking which she
3 did. So what are we talking about?

4 Q. You never placed any limit on where
5 Ms. Robinson could travel by using Canal reward
6 points --

7 A. No, no, I would. She's not going to
8 travel to China or to some other part on the
9 other side of the world or Australia and I need
10 to know why and then I need to know how many air
11 miles will be used in that.

12 Q. And did you ever communicate any
13 restriction to Ms. Robinson on her use of Canal
14 reward points?

15 A. I didn't have to communicate --

16 Q. You're doing that thing. You're
17 doing that thing again.

18 A. Okay. No, no. This case -- no pun
19 intended.

20 Q. Mr. De Niro, we have to just get a
21 clean record.

22 So my question is: You never
23 communicated any limits on where Ms. Robinson
24 could travel using Canal's reward points or
25 miles, did you?

1 BY MR. SANFORD:

2 Q. Was there a period of time when
3 there was a problem with Canal's SkyMiles that
4 prevented miles from being transferred to Ms.
5 Robinson?

6 A. You're just asking me the same
7 question over now and I gave you the answer.

8 MR. DROGIN: No, it is a "yes" or
9 "no" question.

10 A. What was the question again?

11 BY MR. SANFORD:

12 Q. It was a "yes" or "no" question.

13 Was there a period of time when
14 there was a problem with Canal SkyMiles that
15 prevented miles from being transferred to Ms.
16 Robinson?

17 A. Yes.

18 Q. And was there a period of time when
19 your Amex credit card became linked to Robin
20 Chamber's name and Social Security number?

21 A. Yes, and if I did that, I did it
22 again out of trust. T-r-u-s-t, trust.

23 Q. Okay.

24 A. She abused that privilege, that's
25 what we're here for.

1 A. I never --

2 MR. DROGIN: Objection to form.

3 A. I never, I never communicated that
4 because I trusted her. So, but she had to tell
5 me if she was intending to go say to Australia,
6 are you going for business for me or are you
7 going to look for a hotel. If that was the
8 case, if I was doing a movie there, which I
9 wasn't, or are you going there for own private
10 thing.

11 Then you say well, can I use the air
12 miles. How many air miles is that and what does
13 it cost me because I want my kids to be able to
14 use them. Well, it would be this. Well, that's
15 dipping into my kids' things. So I you better
16 just -- well, I think you can take part and
17 that's it.

18 No, we would and could negotiate
19 like that. So I trusted her, though, but she
20 knew she had to tell me where she's going,
21 what's she is doing. I'm sorry, she might have
22 thought she could just do whatever she wanted.
23 But she damn well couldn't and Michael Tasch was
24 going to be the backup for that. The back stop,
25 as he should have been and should be.

1 Q. And at that time, just to be clear,
2 Amex points generated by Canal Amex cards were
3 going to an account associated with Robin
4 Chamber's name, right?

5 Do you know that?

6 A. Say that again, I'm sorry.

7 Q. Amex points generated by Canal Amex
8 credit cards were going to an account associated
9 with Robin Chamber's name, right?

10 Do you remember that?

11 A. I'm not following. I'm sorry, maybe
12 just tell me again. I'm not following.

13 Q. At some point in time, Amex points,
14 which were generated by Canal's Amex credit
15 cards, the points associated with the credit
16 cards, were somehow going to an account
17 associated with Robin Chamber's name.

18 Do you recall that?

19 A. I don't, I don't remember that. I
20 don't know that.

21 Q. All right.

22 A. Robin hadn't --

23 Q. If you don't remember, you don't
24 remember. It's okay.

25 A. I don't remember.

1 Q. There came a time when you and Ms.
2 Robinson generally agreed that Ms. Robinson
3 could book her travel using Canal SkyMiles,
4 right?

5 MR. DROGIN: Objection to the
6 form.

7 A. Yes, she could do it if it related
8 to the business for me, for what I'm doing for
9 Canal.

10 BY MR. SANFORD:

11 Q. When did you first authorize Ms.
12 Robinson to use SkyMiles generated by a Canal
13 credit card to book her travel, do you know?

14 MR. DROGIN: Objection.

15 A. I don't remember. All I remember is
16 that I thought I could trust her.

17 MR. DROGIN: Hold on. You're
18 misstating. You're carrying a page from
19 the Allie Harwin playbook of putting
20 words in the witness' mouth that he
21 hasn't said. You misstated his
22 testimony.

23 MR. SANFORD: Is this another way
24 of you're saying "Objection to form"?

25 MR. DROGIN: No, it is actually a

1 speaking objection and there are a
2 couple on the record because they're
3 appropriate.

4 You are mischaracterizing what
5 the witness is saying in search of a
6 sound bite.

7 MR. SANFORD: Do you know the
8 purpose of the federal rule about
9 objections and form? The purpose of the
10 rule is to prevent exactly what you're
11 doing now.

12 THE WITNESS: I don't know who
13 you're talking to.

14 MR. SANFORD: No, I was talking
15 to your counsel who was misbehaving.

16 THE WITNESS: Are you saying that
17 my counsel --

18 MR. DROGIN: We can show the
19 transcript to the court and the court
20 will decide.

21 BY MR. SANFORD:

22 Q. Mr. De Niro, you expected Ms.
23 Robinson to keep you informed of her travel
24 plans, right?

25 A. That's the least she could have done

1 and should have done.

2 Q. And she needed to tell you when and
3 where she would be traveling, right?

4 A. Yes, she did.

5 Q. In fact, Ms. Robinson did keep you
6 informed of her travel plans; didn't she?

7 A. As far as I recall, she did.

8 Q. And other than expecting Ms.
9 Robinson to keep you informed of her upcoming
10 travel plans, you didn't place any specific
11 restrictions on Ms. Robinson's transferring
12 SkyMiles, right?

13 MR. DROGIN: Objection to the
14 form.

15 A. No, I told her -- let me explain to
16 you. I told her, she said "I would like to put
17 some of them on to mine. She said I need them.
18 I said okay. I trust you. You do what you
19 think is right". That's how I left it. What
20 does that mean? That she can abuse it, no.

21 BY MR. SANFORD:

22 Q. Prior to Ms. Robinson's resignation,
23 you approved a trip Ms. Robinson planned to take
24 to LA in 2019, right?

25 A. What was the trip for?

1 Q. Do you remember a trip that --

2 A. I'm asking you, what was the trip
3 for? Very simple. Can you give me an answer?

4 Q. I don't know. I'm asking you the
5 question.

6 A. I'm asking you. You tell me.
7 Remind me. I don't know. I forgot.

8 Q. All right.

9 MR. DROGIN: The answer was "I
10 forgot".

11 THE WITNESS: What?

12 MR. DROGIN: The answer was "I
13 forgot".

14 BY MR. SANFORD:

15 Q. Prior to Ms. Robinson's resignation,
16 you approved a trip Ms. Robinson planned to take
17 to Scotland in 2019, right?

18 A. It was a vacation, I think, on her
19 part before she went to London, I think. I
20 don't remember the specifics.

21 Q. And Ms. Robinson discussed that trip
22 with you, didn't she?

23 A. That, I think she did. And then she
24 went to Scotland then went to London. What's
25 the date on that?

Q. 2019.

A. What time of year?

Q. I don't know the specific date. It was in 2019.

A. You don't know that? You've got to know that.

Q. I don't know it offhand. I'll get it for you after we take a break, but I'm telling you I don't know right now.

A. All right.

Q. Do you remember, do you remember, though, that trip though that she took to Scotland apparently in --

A. I'll know -- I'll remember it better, if I remember it at all, if you give me the date when she went and it was tied into when I had to go to England then for this Warburton thing and another thing I did in Europe. I think it was going to the Moroccan Film Festival, I think.

Q. And Ms. Robinson was authorized to use Canal SkyMiles for that trip, wasn't she?

A. I'm not sure.

Q. Prior to Ms. Robinson's resignation, you approved multiple trips that Ms. Robinson

planned to take to London in 2019, right?

A. I don't know if I -- I don't see myself approving multiple trips. You mean she went multiple times?

Q. There were plans to go more than once to London in 2019, do you remember that?

A. And what happened, did she go?

Q. You don't remember is the answer?

A. I don't remember. You could tell me and I can tell you whether I remember it or not.

Q. And, therefore, you don't remember whether she was authorized to use Canal SkyMiles for the trip to London?

MR. DROGIN: Objection to the form.

A. I guess I'm going to have to say I don't remember.

MR. SANFORD: All right.

Let's take a break. Back in five minutes.

THE WITNESS: Okay.

THE VIDEOGRAPHER: The time is 1:06. We're going off the record.

(Whereupon, at 1:06 o'clock p.m., a recess was taken until 1:22

o'clock p.m.)

THE VIDEOGRAPHER: The time is 1:22. We are back on the record.

BY MR. SANFORD:

Q. All right.

Welcome back, Mr. De Niro. You know you're still under oath?

A. Yes.

Q. Okay.

You never had any problem with Ms. Robinson signing on to Canal's Netflix account, did you?

A. I didn't as long as she did the right thing.

Q. As long as Ms. Robinson got her work done, right?

A. And did the right thing. Yes, whatever that would be because I don't know much about all that and, you know, everything should have been done on the up and up.

Q. As long as Ms. Robinson got her work done, you didn't care if she --

A. It is more important that it is not entitlement to something that she's not entitled to, whatever that may be.

Q. Right. I understand. I understand. I'm just trying to get a simple question, simple answers.

As long as Ms. Robinson got her work done, you did not care if she put on the TV during the day, yes or no?

MR. DROGIN: Objection to the form.

You can answer.

A. No, I don't, I don't even know how to answer that question.

BY MR. SANFORD:

Q. The main thing was Ms. Robinson had work to do and you wanted her to do it, right?

A. Yes.

Q. Whether she had Beethoven's 9th Symphony in the background or Netflix in the background, you really didn't care as long as she got her work done, right?

MR. DROGIN: Objection to the form.

You can answer.

A. Yes.

BY MR. SANFORD:

Q. Is that a "yes"?

1 A. You're trying to say because she was
2 accused of looking at hours and hours of some TV
3 program that that's okay for her to do that. I
4 really don't have an answer to that. Only she
5 does.

6 Q. Mr. De Niro, rather than speculate
7 --

8 A. She took my money and everything and
9 my time and she's claiming that she is working
10 so hard and looking at hours and hours of that
11 and that affects my, whatever, whatever result
12 of her working for me does in a negative, it is
13 not -- I don't like that.

14 Q. Mr. De Niro, rather than speculating
15 on my motive and going off into loop de loop
16 into Mars, I just want you to focus on my
17 question.

18 My question is, sir, as long as Ms.
19 Robinson got her work done, you did not care if
20 she had Beethoven's Symphony in the background
21 or Netflix in the background, correct?

22 MR. DROGIN: Objection to the
23 form.

24 It is asked and answered.

25 MR. SANFORD: It wasn't answered.

1 this thing that she was accused of and the two
2 things are separate. And I, I will answer that
3 I don't care in those ways as long as she got
4 her work done and as long as they're not
5 interfering with other people's work, yes.

6 Q. Okay.

7 Now, Canal has received
8 documentation from Netflix that refutes Canal's
9 claim that Ms. Robinson was spending her days
10 binge watching Netflix.

11 Have you received any of that
12 documentation from Netflix?

13 A. No.

14 MR. DROGIN: Objection.

15 Objection to the form and your
16 characterization as to what it does or
17 doesn't do.

18 BY MR. SANFORD:

19 Q. Mr. De Niro, are you curious to see
20 the documentation from Netflix which shows when
21 Ms. Robinson was watching Netflix shows?

22 A. No, I don't care to see them.

23 Q. You wouldn't care to see that.

24 It doesn't matter to you?

25 MR. DROGIN: Objection to the

1 That's why I'm asking it again.

2 MR. DROGIN: It was. Read it
3 back.

4 BY MR. SANFORD:

5 Q. Mr. De Niro, what's the answer, yes
6 or no, as long as she got her work done, you
7 didn't care, right?

8 A. Mr. Drogin, did I give the correct
9 answer?

10 Q. The correct answer is the truthful
11 answer.

12 As long as Ms. Robinson got her
13 done, you didn't care what else was in the
14 background, correct?

15 MR. DROGIN: Objection to the
16 form.

17 He answered that. You just
18 didn't like the answer.

19 BY MR. SANFORD:

20 Q. Mr. De Niro, the answer is a simple
21 yes or no.

22 Is it correct that you didn't care
23 what was in the background as long as she got
24 her work done?

25 A. Well, you're trying to tag it to

1 form.

2 A. It matters, but I don't want to get
3 into this pishy caca stuff for what she did. It
4 is a deflection. It's looking over there, so we
5 can't see over here. Fine, but I don't want to
6 see it. No, I don't care.

7 BY MR. SANFORD:

8 Q. Do you view the facts in this case
9 as pishy caca stuff?

10 A. Yes, it's pishy caca.

11 MR. DROGIN: Objection to the
12 form.

13 A. That's all your job, as we all know.
14 So no problem.

15 BY MR. SANFORD:

16 Q. So the relevant facts in this case
17 are pishy caca to you?

18 MR. DROGIN: Objection to the
19 form.

20 A. No, the relevant facts are very
21 important relevant facts. There are others not
22 so relevant, but you're taking things out of
23 context, which is what you're expected to. No
24 problem. You know, just keep asking me
25 questions and I'll try and answer them the best

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1 I can.

2 BY MR. SANFORD:

3 Q. Sir, I'm not taking anything out of
4 context. I just want to know if you reviewed
5 the relevant Netflix documents?

6 A. No.

7 Q. Okay.

8 Good. That's all I needed to know.

9 If Ms. Robinson testifies at trial
10 that she had Netflix shows playing in the
11 background while she slept, you would have no
12 basis to dispute her, would you?

13 MR. DROGIN: Objection.

14 Objection to the form.

15 It is okay for you to ask the
16 who's, the what's and the what ifs and
17 could have, it is okay for you to ask
18 it, but it is not okay for the witness
19 to inquire about it.

20 Is that the position? You want
21 him to speculate?

22 BY MR. SANFORD:

23 Q. Mr. De Niro, you can't testify under
24 oath that Ms. Robinson spent working hours
25 watching Netflix instead of performing her job

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1 Robinson's spending on the townhouse, isn't that
2 right?

3 A. I'm not sure. I don't know.

4 Q. All right.

5 MR. SANFORD: Then I'm going to
6 show you something, a document CANAL
7 46698, an April 4, 2019 e-mail from
8 Tiffany Chen to Michael Tasch, with you
9 cc'd. This is going to be Exhibit 129.

10 (Document bearing Bates
11 stamp Nos. CANAL 46698 was marked as
12 Plaintiff's Exhibit 129 for
13 identification, as of this date.)

14 MR. SANFORD: And while you're
15 looking at it we're going to go off the
16 record.

17 THE VIDEOGRAPHER: The time is
18 1:30. We are going off the record.

19 (Whereupon, at 1:30 o'clock
20 p.m., a recess was taken until 1:31
21 o'clock p.m.)

22 THE VIDEOGRAPHER: The time is
23 1:31. We are back on record.

24 BY MR. SANFORD:

25 Q. All right.

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1 duties, can you?

2 A. Say that again.

3 Q. You can't testify under oath that
4 Ms. Robinson spent working hours watching
5 Netflix instead of performing her job duties for
6 you, can you?

7 A. No, I can't. But I've heard that's
8 it. But that's whatever. Whatever.

9 Q. All right.

10 Ms. Robinson always kept you
11 informed of her travel plans, didn't she?

12 MR. DROGIN: Objection to the
13 form.

14 We're going back to this again
15 for the third time?

16 Objection to the form.

17 MR. SANFORD: Actually, you know
18 what, I'm not going to go back to ask
19 him questions about that right now.
20 We're going to skip over that whole line
21 of questioning because I want to get to
22 something else.

23 BY MR. SANFORD:

24 Q. Mr. De Niro, at a certain point,
25 your girlfriend Ms. Chen began looking into Ms.

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1 MR. SANFORD: We're going to
2 identify this as what number, Simon?

3 MR. SCHAITKIN: 129.

4 MR. SANFORD: All right.

5 BY MR. SANFORD:

6 Q. So, you just had an opportunity, Mr.
7 De Niro, to review CANAL 46698, what's been
8 marked as Exhibit 129, correct?

9 A. Yes.

10 Q. All right.

11 What is that document?

12 A. It is an exchange, Tiffany Chen
13 requesting some information from Tasch about
14 what Chase had spent and just some records of
15 that, of what was spent and that I wanted to
16 know.

17 Q. All right.

18 So this is an April 4, 2019 e-mail,
19 right?

20 A. This says April 5th, the top one.

21 Q. The top one is April 5th.

22 Do you see the bottom?

23 A. Right. Okay, yes.

24 Q. And do you see where it says "This
25 is a direct request from Bob. He wants this

1 info ASAP?"

2 A. Uh-hum.

3 Q. Is that a "yes"?

4 A. That's a yes.

5 Q. Okay.

6 Why did you want information --
7 well, what information did you want ASAP, first
8 of all?

9 MR. DROGIN: Objection to the
10 form.

11 A. I don't know, but it must have been
12 something about -- their was a question as to
13 what was being spent and I just wanted to verify
14 what it was and see for myself.

15 BY MR. SANFORD:

16 Q. So you wanted Amex bills for the
17 spending, right?

18 A. Yes.

19 Q. An the spending, in particular,
20 during the setting up of the townhouse, correct?

21 A. Yes, certain aspects of it, I guess,
22 yes.

23 Q. All right.

24 You were looking to find purchases
25 and returns made in connection with the -- with

1 I did. That's what I would do.

2 Q. You said there might have been a
3 question. I'm asking you --

4 A. There might have been a question. I
5 don't know the specifics of it. There was
6 obviously a question. You want me to use
7 obviously instead of might have, okay.

8 Q. No, I don't want you to do anything.
9 I just want you to tell me what you know and
10 what you remember.

11 A. That's what I know.

12 Q. Well, you know that there might have
13 been a question.

14 I'm asking you was there anything
15 that you remember sitting here today that
16 prompted you to request this information into
17 the spending into your townhouse?

18 A. No, I don't remember what
19 specifically it was.

20 Q. When you started this investigation
21 into the spending, did you have a concern that
22 Ms. Robinson was spending a lot on your
23 townhouse?

24 A. I don't know. All I know is I
25 trusted her. Again, if there was something to

1 your townhouse, right?

2 A. Yes.

3 Q. All right.

4 And this is information you wanted
5 ASAP, right?

6 A. Yes.

7 Q. All right.

8 And why did you want it ASAP?

9 A. I don't know why it was said ASAP.

10 I just wanted to make sure that we got to it,
11 that I looked at to see what it was. That's
12 all.

13 Q. What prompted you to request that
14 information?

15 A. There might have been a question
16 about it. Maybe Tiffany felt that there was
17 something that she wanted me to look at, which I
18 have a right to do. And again, I trust totally.
19 So if she is saying look at this, I'm going to
20 look at it. The way Chase would ask me to look
21 at something and I would look at that, you know.

22 Q. Well, I'm not asking you about might
23 have been or could have been or should have
24 been.

25 A. That's not might have. That's what

1 be questioned, I had the right to do that.
2 That's all.

3 Q. When the investigation began, do you
4 recall -- sitting here today -- if you don't
5 know, you don't know, but sitting here today, do
6 you recall whether you had a concern that Ms.
7 Robinson was returning and giving away items
8 purchased for the townhouse?

9 A. Somehow that, that came in somewhere
10 along the lines.

11 Q. What do you mean somehow that came
12 in, what does that mean?

13 A. That's all I can remember. I had a
14 feeling about something that was being returned
15 and not returned and gotten money back to give
16 back to me or Canal. There was something else.
17 Just checking. That's all.

18 Q. You had a feeling. What was the
19 feeling based on?

20 A. That, that something might not be a
21 hundred percent right, so I have to check it.

22 Q. Why did you have that feeling?

23 A. God, I don't remember why, but I
24 did.

25 Q. All right.

1 The claims that Ms. Robinson had a
2 pattern of giving away items rather than
3 returning them were never substantiated, isn't
4 that right?

5 A. Well, then why did she keep the
6 stuff and finally return like a couple years
7 later and never even apologize and say oops, I
8 had it here. I forgot it. Here, it is all
9 back. Here you are. Why then?

10 Once you break the trust, someone
11 like her does what she does, feels entitled,
12 yes, I don't trust. And I feel that now, we
13 have to examine certain things. That's why
14 we're going through this whole process because
15 of what she did. If she had just done the right
16 thing, she would be on her way on another job, I
17 suppose. And good luck to her. More power to
18 her, but no, we're here going through all this
19 nonsense.

20 Q. What did she do -- you just
21 testified about she returned items years later.

22 What items did she return years
23 later?

24 A. She returned cameras. What else?
25 My lawyers will tell you. I don't know. I was

1 improper?

2 A. Yes.

3 MR. DROGIN: Objection to the
4 form.

5 A. She took the things and finally
6 returned them. That was improper. And I think
7 she still has my air miles or some of them.

8 BY MR. SANFORD:

9 Q. You think she has your air miles.

10 Why do you think that?

11 A. Yes, I do. That's my understanding.

12 Q. What's your understanding based on?

13 A. It is based on what I have been
14 told.

15 Q. You haven't looked at any documents
16 to satisfy yourself --

17 A. I don't look at documents. I'm told
18 by people who looked at documents.

19 Q. You're not a document man?

20 A. No, I'm not.

21 Q. When you make serious allegations
22 about someone's character and you bring claims
23 about someone's doing things that you claim to
24 be illegal and unethical, don't you think you
25 have an obligation to satisfy yourself that

1 told she returned a lot of stuff to the office.

2 Q. Do you give me permission to depose
3 your lawyers?

4 A. Whatever, whatever the proper thing
5 to do is.

6 MR. DROGIN: We can stipulate she
7 returned nearly \$20,000 in cash, \$15,000
8 in gift cards, cameras.

9 MR. SANFORD: I'm not asking you.

10 A. You're getting your answer. What do
11 you want? You're getting your answer.

12 MR. SANFORD: I'm not asking your
13 lawyer. I'm asking you.

14 MR. DROGIN: You don't have to
15 depose us. We can stipulate or you can
16 ask your own client what was returned
17 three years after she was asked to
18 return it.

19 MR. SANFORD: I'll ask your
20 lawyer, I'll ask you lawyer when we're
21 done with the deposition, Mr. De Niro.

22 BY MR. SANFORD:

23 Q. I'm asking you if you know now,
24 looking back, whether there are any items that
25 Ms. Robinson returned that you felt was

1 those claims are based on facts rather than what
2 you were told?

3 MR. DROGIN: Objection to the
4 form.

5 A. They are based on facts and I trust
6 the people that work for me. Not like Chase
7 Robinson, who I don't trust, who breached that
8 trust, broke that trust. So I trust them. I
9 know they're going to do the right thing. And
10 what I have been told is she has taken a lot of
11 stuff. She has returned some. She hasn't
12 others.

13 Come on, who are we kidding? What
14 are we joking about here? What are we doing?
15 What is all this?

16 BY MR. SANFORD:

17 Q. We're talking about SkyMiles, is
18 what we're talking about.

19 A. We're talking about SkyMiles that
20 have been taken and not given back.

21 Q. You're obsessed about the SkyMiles,
22 aren't you?

23 A. I'm not obsessed about anything.
24 All I want is what is mine sent back, given back
25 to me properly as it should be. That's the way

1 you do things in the right way. The standup way
2 and she has not done that. Period.

3 Q. All right.

4 MR. SANFORD: Let's look at CANAL
5 46715 and while you're reviewing it
6 let's go off the record.

7 THE VIDEOGRAPHER: The time is
8 1:40. We are going off the record.

9 (Whereupon, at 1:40 o'clock
10 p.m., a recess was taken until 1:40
11 o'clock p.m.)

12 THE VIDEOGRAPHER: The time is
13 1:40. We are back on record.

14 BY MR. SANFORD:

15 Q. Mr. De Niro, you've had an
16 opportunity to review CANAL 46715, which is
17 marked as Exhibit 98.

18 A. Yes.

19 Q. All right.

20 And what is that document?

21 A. It says that Tiffany Chen is asking
22 for all of Chase's charges and expenses.
23 Everything she has been spending. Lulu is to be
24 terminated today without severance please give
25 me a call ASAP.

1 Q. I'm not asking about what you would
2 do. I'm asking you, if you, in fact, ever did
3 request?

4 A. I could have. I could have. If I
5 get wind of something that's not right, I have
6 to tally it all up to make sure that I'm not
7 getting taken advantage of.

8 Q. Okay.

9 Well, I'm asking you not whether you
10 would have or could have. But you just
11 testified you would have and could have.

12 I'm asking you, in fact, whether you
13 remember ever doing it?

14 A. I don't remember.

15 Q. Okay.

16 MR. SANFORD: Let me share a
17 document with you in the chat that's
18 Bates stamped CANAL 46051.

19 Let's go off the record while
20 you're reviewing it.

21 THE VIDEOGRAPHER: The time is
22 1:42. We are going off the record.

23 (Whereupon, at 1:42 o'clock
24 p.m., a recess was taken until 1:43
25 o'clock p.m.)

1 Q. This is an e-mail April 8, 2019 from
2 Tiffany Chen to your accountant Michael Tasch
3 and you are copied, correct?

4 A. Yes.

5 Q. And in part, Tiffany writes that
6 "Bob wants all of Chase's charges and expenses
7 everything she has been spending," correct?

8 A. Yes.

9 Q. And did you approve Ms. Chen sending
10 this message?

11 A. I don't know if I did. I don't
12 remember.

13 Q. What do you think Ms. Chen meant
14 when she writes "Bob wants all of Chase's
15 charges and expenses," what does that mean?

16 A. I want, I want to tally everything
17 and see what's up.

18 Q. And why did you want that?

19 A. Because I wanted to make sure
20 everything is kosher.

21 Q. Had you ever requested all charges
22 and expenses for another employee?

23 A. If need be, I would do that, of
24 course. There's nothing wrong with that. I'm
25 entitled to that.

1 THE VIDEOGRAPHER: The time is
2 1:43. We are back on record.

3 BY MR. SANFORD:

4 Q. All right.

5 Mr. De Niro, you know you are still
6 under oath?

7 A. Yes.

8 Q. All right.

9 MR. SANFORD: Let's mark this as
10 Exhibit 130, CANAL 46015.

11 (Document bearing Bates
12 stamp Nos. CANAL 46015 was marked as
13 Plaintiff's Exhibit 130 for
14 identification, as of this date.)

15 BY MR. SANFORD:

16 Q. Mr. De Niro, this is an e-mail
17 January 10, 2019 from Ms. Chen to Ms. Robinson
18 with you're being copied about a lack of
19 catering on a flight from Antigua.

20 Do you see that?

21 A. Yes.

22 Q. Did you ever receive any information
23 to substantiate Ms. Chen's suspicion that Ms.
24 Robinson was behind the lack of catering on the
25 flight?

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1 MR. DROGIN: Objection to the
2 form.

3 You can answer.

4 A. I don't know. Are they saying that
5 there is no catering at all even from the hotel?

6 BY MR. SANFORD:

7 Q. You don't remember this, do you?

8 A. No.

9 Q. All right.

10 Can you identify everyone who was
11 involved in investigating Ms. Robinson?

12 A. Well, I guess it would be my office.
13 People in my office after she left and I don't
14 know whoever else would be looking at past bills
15 and stuff like that.

16 Q. Do you have names of people you can
17 cite?

18 A. No, the people like Berdon. My
19 lawyers, whoever, I don't know. I don't know.

20 Q. You don't know anyone in particular
21 by name?

22 A. No.

23 Q. What would you do to direct the
24 investigation into Ms. Robinson, if anything?

25 A. I just told Tom Harvey I want what

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1 Tasch?

2 Q. Tasch. Tasch. T.

3 A. T. I'm sorry, can you say that
4 again?

5 Q. Did you communicate with Michael
6 Tasch regarding the investigation into Ms.
7 Robinson?

8 A. I don't remember.

9 Q. Did you communicate with Michael
10 Kaplan regarding the investigation into Ms.
11 Robinson?

12 A. I don't recall. I don't think so,
13 but I don't remember.

14 Q. Did you communicate with Sabrina
15 Weeks-Britain regarding the investigation into
16 Ms. Robinson?

17 A. No, no.

18 Q. Did you communicate with Jillian
19 Spear about the investigation of Ms. Robinson?

20 A. No, no.

21 Q. Did you communicate with Tom Harvey
22 about the investigation into Ms. Robinson?

23 A. Probably. Probably, yes.

24 Q. You don't remember one way or
25 another?

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1 she took from me. I want it back. That's all.

2 Q. Did you say anything else?

3 A. Not that I remember.

4 Q. Did you hire a private investigator
5 into Ms. Robinson?

6 A. I don't know that.

7 Q. You don't know whether you hired a
8 private investigator?

9 A. I don't know that.

10 Q. Well, if you hired a private
11 investigator you would know that, wouldn't you?

12 A. No, I wouldn't. People might hire
13 them and not tell me.

14 Q. So someone might have hired a
15 private investigator and they didn't tell you
16 about it?

17 A. I have not heard anything about it.

18 Q. So you have no reason to believe one
19 way or another whether a private investigator
20 was hired into looking into Ms. Robinson?

21 A. No, I have no idea. I don't know.

22 Q. Did you communicate with your
23 accountant Michael Tasch about the investigation
24 into Ms. Robinson?

25 A. Did you say Michael Cash or Michael

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1 A. Well, I probably spoke to him. I
2 didn't say an investigation. I said I want my
3 stuff back.

4 Q. Okay.

5 Did you ever review any documents
6 compiled during the investigation?

7 A. I don't remember.

8 Q. You might have, you just don't know?

9 A. Really, I don't remember.

10 Q. Okay.

11 MR. SANFORD: Let's go off the
12 record for five minutes, please.

13 THE VIDEOGRAPHER: The time is
14 1:47. We are going off the record.

15 (Whereupon, at 1:47 o'clock
16 p.m., a recess was taken until 2:05
17 o'clock p.m.)

18 THE VIDEOGRAPHER: It is time
19 2:05. We are back on record.

20 BY MR. SANFORD:

21 Q. Okay.

22 Mr. De Niro, you know you're still
23 under oath?

24 A. Yes.

25 Q. We have 25 minutes left today. So

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1 I'll try to be as efficient as I can be. We'll
2 likely be back, we, of course, have to be back a
3 third day to finish up your deposition.

4 MR. SANFORD: We're sharing a
5 document with you in the chat that is
6 Bates stamped CANAL 48627 to 48630.
7 We'll mark it as 131 and go off the
8 record while you have a chance to review
9 it.

10 (Document bearing Bates
11 stamped CANAL 48627 to 48630 was
12 marked as Plaintiff's Exhibit 131
13 for identification, as of this
14 date.)

15 THE VIDEOGRAPHER: The time is
16 2:06. We are going off the record.

17 (Whereupon, at 2:06 o'clock
18 p.m., a recess was taken until 2:07
19 o'clock p.m.)

20 THE VIDEOGRAPHER: The time is
21 207. We are back on record.

22 BY MR. SANFORD:

23 Q. All right.

24 Mr. De Niro, you know you're still
25 under oath?

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1 Tiffany Chen writes, and I'm quoting "Chase
2 e-mailed. She's threatening legal action if she
3 does not get a response by the 12th. Tom is
4 getting ready to hit her hard with his letter".

5 Do you see that?

6 A. Yes.

7 Q. And who is Tom here?

8 A. My lawyer.

9 Q. What's the last name?

10 A. Harvey.

11 Q. And on page 3, Bob responds, you
12 respond "Can you believe, as I said to Tom, who
13 the fuck does she think she is?" And then --

14 Do you see that?

15 A. I'm just looking at something.

16 Yes.

17 Q. And then, Ms. Chen responds. And
18 I'm quoting "She thought she was your wife. I
19 saw it from the beginning. I told you".

20 Do you see that?

21 A. Yes.

22 Q. And then you respond "The balls, the
23 nerve, the chutzpah, the sense of entitlement.
24 How dare her".

25 Do you see that?

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1 A. Yes.

2 Q. You have been shown what's been
3 marked as Exhibit 131, CANAL 48627 to 48630.

4 You've had an opportunity to review
5 that, correct?

6 A. I'm looking at this, but I'm seeing
7 these black boxes. I don't know if there's
8 supposed to be something in them.

9 Q. Well, I mean, you have reviewed what
10 you can review based on what you have been
11 shown, correct?

12 A. Yes.

13 Q. All right.

14 And this is a text conversation
15 dated July 2019 between Tiffany and Robert De
16 Niro.

17 Do you see that?

18 A. Yes.

19 Q. And the black boxes, you know, for
20 the record, are redactions that your lawyer
21 added.

22 Do you understand that?

23 A. Oh, okay. Okay.

24 Q. Okay.

25 Yes, and on page 2, do you see where

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1 A. Yes.

2 Q. And then Tiffany responds, Tiffany
3 Chen responds "Tom will get her".

4 Do you see that?

5 A. Yes.

6 Q. All right. All right.

7 It is fair to say that you were
8 upset that Ms. Robinson was threatening legal
9 action, right?

10 MR. DROGIN: Objection to the
11 form.

12 A. Yes.

13 BY MR. SANFORD:

14 Q. I'm sorry, your answer is?

15 A. Yes.

16 Q. And fair to say, too, that you
17 considered Ms. Robinson's legal claims to be
18 disloyal, is that fair?

19 MR. DROGIN: Objection to the
20 form.

21 A. Yes, I mean, I don't -- I guess
22 she's threatening legal action if she does not
23 get a response by the 12th. I don't know what
24 that was sent before. What letter was sent?
25 Was it that I had to sign that thing that she

1 wanted to send to the London School of
2 Economics? Was it the claiming she wants
3 \$600,000? I don't know which or was it both.
4 BY MR. SANFORD:

5 Q. Well, let's just stick with the text
6 in front of you, the document 131 --

7 A. Yes.

8 Q. -- where Ms. Chen writes "She's
9 threatening legal action if she does not get a
10 response"".

11 I mean, you view that as a form of a
12 breach of trust, shall we say, to use your words
13 earlier, right?

14 MR. DROGIN: Objection to the
15 form.

16 A. Yes.

17 BY MR. SANFORD:

18 Q. Okay.

19 Let's talk about the lawsuit against
20 Ms. Robinson.

21 Your lawsuit against Ms. Robinson
22 was filed on August 17, 2019.

23 Do you remember that?

24 A. Yes.

25 Q. And you would know that date, in

1 particular, as a memorable date, wouldn't you?

2 A. Sure.

3 Q. Why would it be memorable for you?

4 A. Because that's a date I -- it is my
5 birthday.

6 Q. Right.

7 And is there a reason you had the
8 lawsuit filed against Ms. Robinson on your
9 birthday?

10 A. No, no reason at all.

11 Q. That was just a coincidence?

12 A. Just pure coincidence.

13 Q. It wasn't done as a birthday present
14 to you?

15 A. No.

16 Q. And how soon before the filing of
17 the lawsuit did you make the final decision to
18 file a lawsuit against Ms. Robinson?

19 MR. DROGIN: Objection to the
20 form.

21 A. I don't know. I don't know.

22 BY MR. SANFORD:

23 Q. Okay.

24 Was it important to you that Canal
25 bring its lawsuit against Ms. Robinson before

1 Ms. Robinson filed suit against you?

2 MR. DROGIN: Objection to the
3 form.

4 Hold on. Hold on.

5 Objection to the form.

6 A. Okay, sorry.

7 MR. DROGIN: Go ahead.

8 BY MR. SANFORD:

9 Q. Go ahead.

10 You can answer.

11 A. No, it just the way it timed out. I
12 said, no, I'm going to -- you know, I want my
13 stuff back and she has done these things. She
14 has breached my trust. She hasn't acted in good
15 faith. I mean, I mean, she was scheming all the
16 time and this was a scheme.

17 And now looking back and what I know
18 now, yes, she typed -- she taped many hours of
19 conversations with Robin. She was listening and
20 was privy to my e-mails, texts, my phone
21 conversations, if you will.

22 Q. Before you brought Canal's lawsuit,
23 you were aware Ms. Robinson asserted claims of
24 discrimination, retaliation and wage and hour
25 violations, right?

1 A. No, I don't remember that.

2 MR. DROGIN: Objection to the
3 form. Objection to the form.

4 Go ahead.

5 A. No, I don't remember that, no.

6 BY MR. SANFORD:

7 Q. You don't remember that?

8 A. No.

9 Q. It could have happened, you just
10 don't remember?

11 MR. DROGIN: Objection to the
12 form.

13 A. I don't remember. I was, you
14 know -- I was -- that's it.

15 BY MR. SANFORD:

16 Q. You reviewed correspondence from Ms.
17 Robinson's lawyers asserting claims of
18 discrimination, retaliation and wage and hour
19 violations, didn't you?

20 MR. DROGIN: Objection to form.

21 A. I don't even know that I saw that.
22 I was just very angry about what the game she is
23 playing. What she has done. The whole thing.
24 And I'm ready to go after her. I have no reason
25 to wait.

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1 BY MR. SANFORD:

2 Q. Okay.

3 And you wanted to go after her,
4 right?

5 A. Of course I wanted to. I wanted her
6 to return the stuff. Do what's right. She
7 handled it all in the wrong way and, you know,
8 she is sneaky. I don't want to even call names.
9 The whole thing is so sad and pathetic that I
10 don't know, you know.

11 Q. You are the person who decided to
12 file a lawsuit against Ms. Robinson, right?

13 A. Yes, I guess so, yes.

14 Q. And did you review the lawsuit that
15 you decided to file against Ms. Robinson before
16 it was filed?

17 A. I was aware basically what it was,
18 the gist of it.

19 Q. What does that mean?

20 A. I was aware of the gist of it.

21 Q. Answer my question.

22 My question was: Did you review it,
23 did you read the lawsuit before it was filed?

24 MR. DROGIN: Objection to the
25 form.

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1 the lawsuit and seek millions of
2 damages.

3 BY MR. SANFORD:

4 Q. Why did you decide to seek millions
5 of damages against Ms. Robinson?

6 MR. DROGIN: Objection to the
7 form.

8 A. I don't know.

9 BY MR. SANFORD:

10 Q. You don't know that there were
11 millions of dollars sought?

12 MR. DROGIN: Objection to the
13 form.

14 A. My feeling is whatever, whatever was
15 being put into it was justified at this point.

16 BY MR. SANFORD:

17 Q. Right.

18 So, sitting here today, do you know
19 how many millions of dollars you are seeking to
20 get from Ms. Robinson?

21 A. No, do you want to tell me?

22 Q. You don't know?

23 A. Do you want to tell me?

24 Q. I will tell you in a second. I'm
25 asking first if you know?

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1 A. I don't know if I read it. I don't
2 know if I read it. I just say okay. Go after
3 her. Period.

4 BY MR. SANFORD:

5 Q. You said go after her, file whatever
6 you want to file?

7 A. Yes.

8 MR. DROGIN: Objection to the
9 form.

10 That's not what the witness said.
11 BY MR. SANFORD:

12 Q. Did you review any documentary
13 evidence before Canal filed a lawsuit against
14 Ms. Robinson?

15 A. I was aware of things she had done,
16 yes.

17 Q. Why did you decide to seek millions
18 of dollars in damages against Ms. Robinson?

19 MR. DROGIN: Objection to the
20 form.

21 And I note that there was a
22 30(b)(6) witness that has already been
23 questioned about this and that --

24 MR. SANFORD: I know, but I'm
25 asking this witness who decided to file

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1 A. I don't know, no.

2 Q. All right.

3 Well, I'll represent to you that you
4 are seeking \$6 million to get from Ms. Robinson.

5 Do you think that's a fair sum?

6 MR. DROGIN: Objection to the
7 form.

8 Can you just clarify the you --

9 A. There must have been a reason.

10 MR. DROGIN: Can you just clarify

11 --

12 BY MR. SANFORD:

13 Q. Sitting here today you don't know
14 what that reason is, do you?

15 MR. DROGIN: Objection to the
16 form.

17 A. I don't know. All I can is there
18 must have been a reason.

19 MR. DROGIN: Can you clarify that
20 you is Canal and not Mr. De Niro is not
21 suing Ms. Robinson?

22 THE WITNESS: Sorry?

23 BY MR. SANFORD:

24 Q. Canal is suing Ms. Robinson at your
25 direction, Mr. De Niro, correct?

1 A. Yes.

2 Q. And, but sitting here today, you're
3 finding out for the first time, is your
4 testimony, that Canal is seeking \$6 million from
5 Ms. Robinson?

6 A. That must have been -- there was a
7 reason for it.

8 Q. But you don't know what the reason
9 is?

10 A. I trust my -- well, I know there's
11 something. I trusted my attorneys to do this.

12 Q. Do you think that \$6 million is a
13 number that would fairly compensate you for what
14 you claim to be Ms. Robinson's wrong doing?

15 MR. DROGIN: Objection to the
16 form.

17 A. Again, I can only say that I -- if
18 it was \$6 million, there must have been a reason
19 for it.

20 BY MR. SANFORD:

21 Q. You really would like to destroy Ms.
22 Robinson, wouldn't you?

23 A. No, I don't want to destroy her. I
24 don't want to have anything to do with her. I
25 just want her to go away. She goes away. We go

1 and maybe it is a reason because in order to
2 even get what we get now or what we're doing. I
3 don't know.

4 BY MR. SANFORD:

5 Q. You don't think she stole \$5
6 million, do you?

7 A. No, no.

8 Q. No.

9 And you don't think she stole \$4
10 million, do you?

11 A. No.

12 Q. You don't think she stole \$3
13 million, do you?

14 A. Well, no.

15 Q. You don't think she stole \$2
16 million, do you?

17 A. Well, I'm not sure.

18 Q. You're not sure.

19 You think she might have stolen \$2
20 million?

21 A. I don't know what she did. She took
22 certain things and that number obviously is for
23 a reason.

24 Q. You think there's a reason, you
25 think there's a good reason for \$6 million,

1 away. We let this thing just die and I'll be
2 very happy.

3 Q. Do you think you have destroyed her
4 life?

5 A. I have not destroyed her life. She
6 destroyed her own life, if she destroyed it.

7 Q. You think she destroyed her own life
8 and you had nothing to do with it?

9 A. She has to cop to what she did. She
10 has to, you know, maybe ask for forgiveness from
11 people because she has done things that you just
12 don't do. She's very unprofessional. I tried
13 to be as lenient as I could. I tried to do the
14 right thing. It is very simple. The honor
15 system. I trust you. I assume that everything
16 you're going to do is for the right reasons.
17 I'm sorry, that's the way I am.

18 Q. You think Ms. Robinson stole \$6
19 million from you?

20 A. No, she didn't steal \$6 million.

21 Q. Why are you asking for 6 million?

22 MR. DROGIN: Objection to the
23 form.

24 A. They had a reason. I mean, that's
25 something -- whatever. But they had a reason

1 really?

2 A. Let me, let me, yes, I will look in
3 it.

4 Q. You look into it. I would ask you
5 to look into that one.

6 Do you think she stole more than \$1
7 million from you?

8 A. She could have, I guess.

9 MR. DROGIN: Can you just clarify
10 in these numbers you're counting the
11 cash that she already returned and the
12 gift cards that she already returned?
13 It is just not clear.

14 MR. SANFORD: I know you like to
15 do the speaking thing, Mr. Drogin, but
16 again, it is against the rules and it is
17 against our stipulation. So I would ask
18 you not to do that.

19 I'm asking the witness questions
20 and he's giving answers. He's giving
21 answers to the best of his ability, I
22 believe.

23 BY MR. SANFORD:

24 Q. Mr. De Niro, do you think Ms.
25 Robinson should be ordered to pay back any of

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1 the salary that you paid her over the years?

2 MR. DROGIN: Objection to the
3 form.

4 A. No.

5 BY MR. SANFORD:

6 Q. Okay. All right.

7 MR. SANFORD: Let's take a
8 five-minute break.

9 Off the record.

10 THE WITNESS: Okay.

11 THE VIDEOGRAPHER: The time is
12 2:20. We are going off the record.

13 (Whereupon, at 2:20 o'clock
14 p.m., a recess was taken until 2:26
15 o'clock p.m.)

16 THE VIDEOGRAPHER: The time is
17 2:26. We are back on record.

18 BY MR. SANFORD:

19 Q. All right.

20 Mr. De Niro, you know you're still
21 under oath?

22 A. Yes.

23 Q. Who is Dan Harvey?

24 A. He's my trainer.

25 Q. And can you describe the types of

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1 assignments that you gave Mr. Harvey that were
2 not related to personal training?

3 A. Nothing really. He was my, he is my
4 trainer. It is pretty simple. He travels with
5 me when I go to locations. When we workout, I
6 work on lines with him and that's it. I keep
7 that as consistent as I can and that's it.

8 Q. If Robin Chambers testified that
9 after she left Canal, Mr. Harvey fulfilled a lot
10 of Ms. Chamber's former job responsibilities,
11 such as traveling with you, do you have any
12 basis to dispute her testimony?

13 A. No.

14 MR. DROGIN: Objection to the
15 form.

16 A. I'm sorry.

17 BY MR. SANFORD:

18 Q. Go ahead.

19 A. There is a whole thing that Chase
20 Robinson feels, I guess I could call it jealous
21 or envious of Dan's position. They do not do
22 the same thing under any circumstances in this
23 world, in this universe. He does what he does
24 for me very clearly, very specifically. She
25 does what she does.

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1 Again, it is an example of envy and
2 jealousy. That's all I can think of. Why waste
3 your time being envious of him, trying to
4 undermine him, put him down, bring him down.
5 Leave it alone. Leave him alone. Work on your
6 own thing. Don't get in the way of everybody
7 else and that's what she did.

8 Q. All right.

9 At times Mr. Harvey ran errands for
10 you, right?

11 A. No, to get something that's related
12 to what we do. It is all, it is all very tight
13 what he does.

14 Q. He didn't run errands?

15 A. You can't compare the two. You
16 can't compare them. Don't even try. Don't even
17 try.

18 Q. Mr. De Niro, you're doing another
19 thing you do a lot, which is thinking about what
20 I'm thinking about.

21 I'm just asking --

22 A. No, I know that's what you're
23 thinking. Sorry, I know in some ways I
24 shouldn't, but I know that's what you're
25 thinking.

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1 Q. I know you're very smart man and
2 very accomplished person, but you don't know
3 what I'm thinking, in fact.

4 I'm asking, I'm asking you a
5 question.

6 A. Go ahead.

7 Q. Mr. Harvey at times ran errands for
8 you?

9 A. You're trying to say what he did is
10 what Chase did. Nothing -- will the tween,
11 never will the two meet.

12 Q. Mr. Harvey would pick up coffee for
13 you from time to time, wouldn't he?

14 A. So rarely did he ever pick up coffee
15 for me that it is a joke to even ask the
16 question.

17 Q. He would buy you food, wouldn't he?

18 A. So rarely did he ever buy food for
19 me when he's getting some for his own that it
20 doesn't even warrant wasting a few seconds to
21 talk about it.

22 Q. So the answer is yes sometimes he
23 did?

24 A. So rarely, in over 35, 36, 37, 38
25 years that he's been -- that we have been

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1 working together. This is a nonsense question.

2 Q. Mr. Harvey picked up items for you
3 from Whole Foods at times, didn't he?

4 A. Oooh, he did? Ut oh. You mean, now
5 it is Chase and him. Oh, my God. I didn't talk
6 about it. Ut oh. Jesus. Oh, no. You caught
7 me. You caught Dan. You've got a case.

8 Q. Is that a "yes"?

9 A. You caught Dan. She thought she had
10 a case. Boy, oh boy. Little did I know. Whole
11 Foods. I should have known. I would have kept
12 my mouth shut.

13 Q. Is that a "yes"?

14 A. What do I know where he goes. If he
15 is near a deli, he'll go to a deli. What do I
16 know where he goes.

17 Q. Mr. Harvey would bring you
18 newspapers, wouldn't he?

19 A. Oh, my God, yes, he brought me a
20 paper. Jesus, oh, another one. Oh, my God a
21 paper. Oh, no. He shouldn't have done that. A
22 paper cost 50 cents. Oh, no.

23 Q. Mr. Harvey drove you to [REDACTED]
24 didn't he?

25 A. Oh, my God, another one. Oh, Jesus,

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1 The paper record should be clear
2 that he's calling bullshit.

3 THE WITNESS: It's bullshit.
4 It's called bullshit. Can I say that?

5 MR. DROGIN: It is 2:30. It is
6 2:30.

7 THE WITNESS: It's bullshit.

8 MR. DROGIN: It is 2:30 and we're
9 done.

10 MR. SANFORD: All right.

11 Well, you know what, let's be
12 done. We've got more questions.

13 Mr. De Niro, I thank you --

14 MR. DROGIN: You said at the
15 beginning that you were going to stop at
16 2:30.

17 MR. SANFORD: Yes, I'm stopping.
18 I'm stopping.

19 Can you give me the courtesy of
20 one minute?

21 MR. DROGIN: You can have 90
22 seconds.

23 MR. SANFORD: Thank you.

24 MR. DROGIN: That's what Ms.
25 Harwin gave me.

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1 another thing. Oh, no. What are all these
2 things? Amazing. I didn't know that Dan was in
3 competition for Chase's job and Chase was in
4 competition for Dan's job. I didn't know that
5 because I could have hired one and I didn't have
6 to pay all the extra money.

7 Q. At times Mr. Harvey spoke with your
8 doctors, didn't he?

9 A. Oh, another thing. He can't talk to
10 my -- but she can. He can't. He's my trainer.
11 That's what he's supposed to do.

12 Q. So he spoke with your doctors, yes
13 or no?

14 MR. DROGIN: Just so the record
15 is clear, the witness is smiling and
16 laughing. The paper record is going to
17 make it appear that he's testifying
18 directly and with a straight face.

19 MR. SANFORD: That's the kind of
20 thing that --

21 THE WITNESS: Let me do it with a
22 straight face. Ask me the questions
23 again and I'll do it with a straight
24 face.

25 MR. DROGIN: Hold on. Hold on.

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1 MR. SANFORD: Mr. De Niro --

2 THE WITNESS: Yes.

3 MR. SANFORD: -- I want to thank
4 you, sir --

5 THE WITNESS: Thank you.

6 MR. SANFORD: -- for your time,
7 for your good humor, for all your
8 patience. I know this is not an easy
9 thing for anyone. I mean that
10 sincerely.

11 THE WITNESS: That's for sure.

12 MR. SANFORD: It is not an easy
13 thing and I appreciate that.

14 THE WITNESS: Well, thank you.
15 Thank you for saying that. Thank you.
16 Thank you.

17 MR. SANFORD: I do. And I wish
18 you well, with your commitments as I
19 said to you yesterday. Your counsel and
20 I need to talk about reconvening. We're
21 leaving the deposition open. And we're
22 going to get back here to finish the
23 deposition because we are entitled to a
24 certain amount of time and we have not
25 completed that amount of time.

CERTIFICATE
STATE OF NEW JERSEY)
)SS:
COUNTY OF MONMOUTH)

I, CATHERINE M. DONAHUE, a Certified Court
Reporter and Notary Public within and for the
State of New Jersey, do hereby certify:

That the witness whose deposition is
hereinbefore set forth was duly sworn by me and
that such deposition is a true record of the
testimony given by such witness.

I further certify that I am not related to
any of the parties to this action by blood or
marriage, and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 5th day of April, 2022.

CATHERINE M. DONAHUE, CCR
License No. 30X100223700

SIGNATURE PAGE
OF
ROBERT DE NIRO

I hereby acknowledge that I have read the foregoing deposition, dated April 5, 2022, and that the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the attached errata sheet.

SIGNATURE: _____

WITNESSED BY: _____

DATE: _____

THOMAS A. HARVEY
Notary Public, State of New York
No. 02HA0051878
Qualified in Westchester County
Commission Expires December 4, 2022

MAGNA